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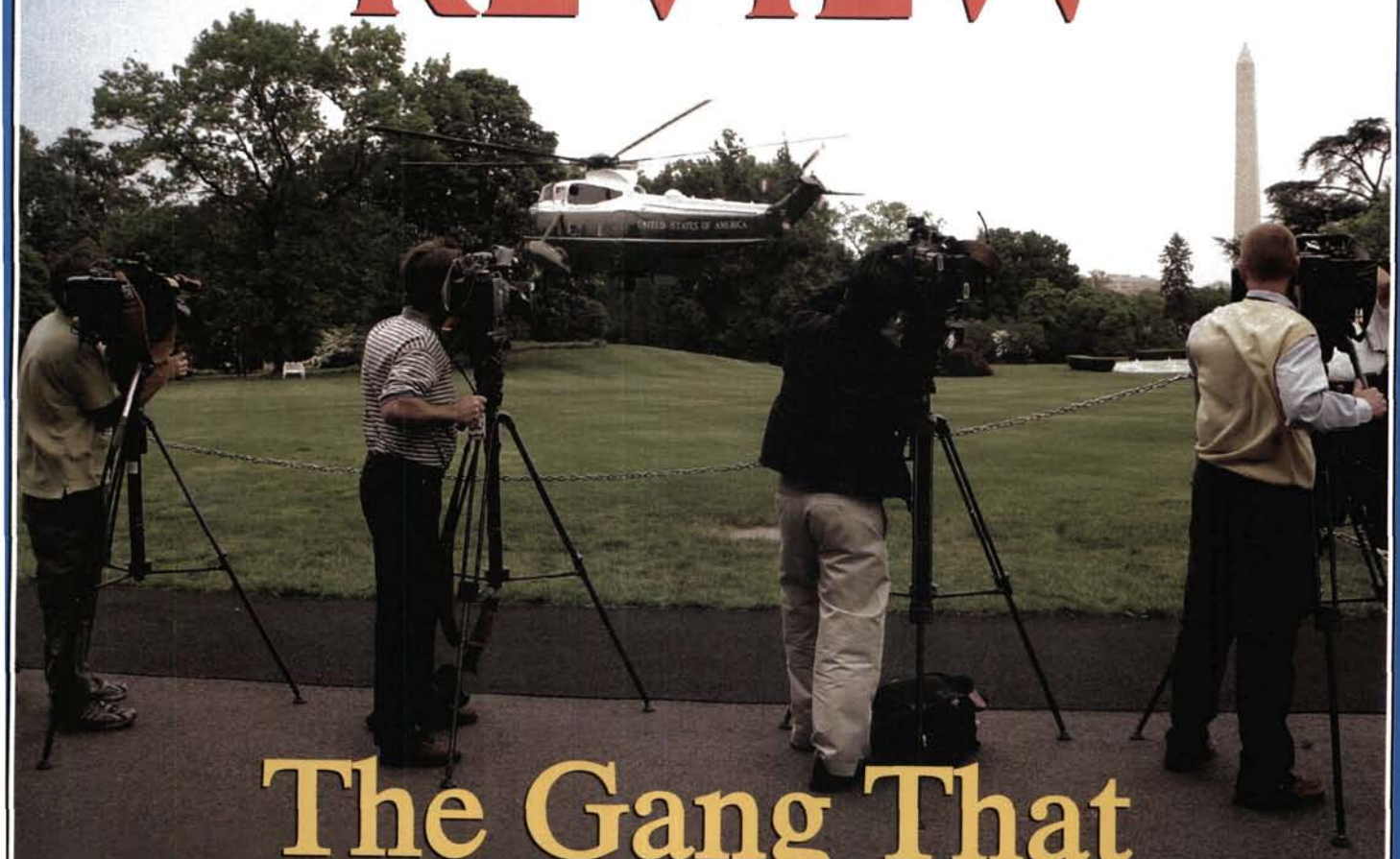

The Gang That Won't Shoot Straight

THE CHENEY HUNTING ACCIDENT AND THE MADNESS OF THE WHITE HOUSE PRESS CORPS

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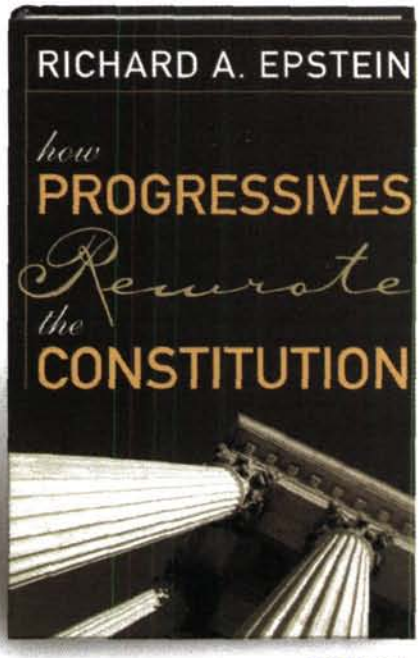

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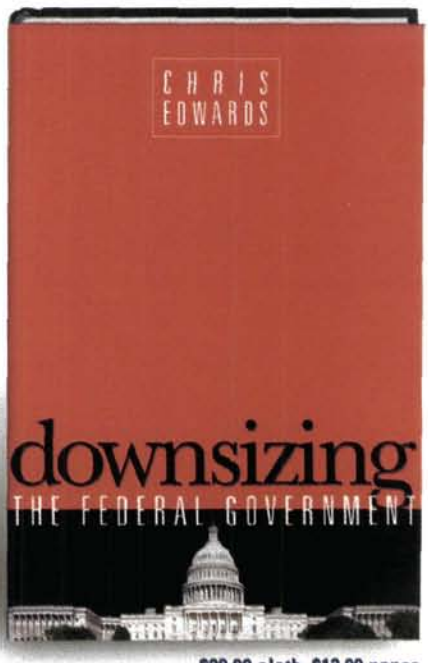

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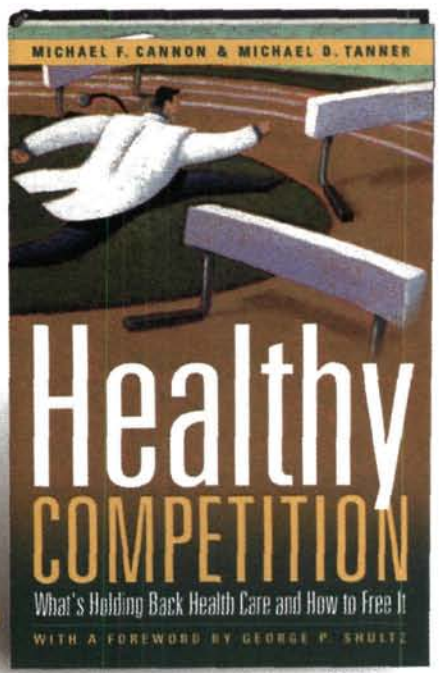
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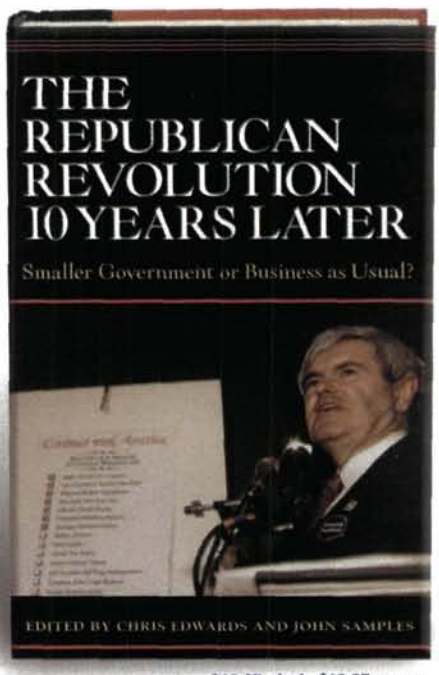

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MARCH 13, 2006 VOL. LVIII, NO. 4

NATIONAL REVIEW

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■ COVER STORY

The Greatest Story Ever Told?

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If only wishing it were so could make it so. If the cosmos worked that way, the sharks of the mainstream media and their remoras in the liberal blogosphere would have uncovered that Dick Cheney did in fact drunkenly shoot that Texas lawyer for threatening to expose the administration's plan to abolish the Constitution, take over the world, and then drain away all of our vital bodily fluids. *By Jonah Goldberg*

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letters to the editor

ENLIGHTEN US

Theodore Dalrymple's "Unenlightened" (Feb. 27) sensibly draws attention to the danger extremist Islam poses to Western republics and tolerant Islamic society. Fortunately, his appeal to Enlightenment tolerance is echoed by King Abdullah of Saudi Arabia, who has publicly rebuked extremist elements and called for intellectual moderation.

That said, Dalrymple's suggestion that such demonstrations as the Danish cartoons engendered illustrate an absence of Enlightenment tolerance misses a crucial point: The riots are not something as rational as an objection to criticizing Muhammad; rather, they are rampant emotion fanned by demagogic imams with deliberate motives—certainly in Iran, Indonesia, Syria, and Lebanon. Nor is it likely that the Jordanian ruling elite would have voiced criticism even with institutionalized moderation; mob mentalities and herd behavior are as dangerous pre-Enlightenment as post-Enlightenment.

This fear of the herd suggests that there are vital lessons to be remembered from Plato about what democracy is—and whether it is democracy or liberty we should be encouraging.

B. E. Fuller
Cambridge, Mass.

MAJOR-LEAGUE PROBLEMS

Any who read Richard Lowry's "Say It Ain't So" (Feb. 13) should require no further evidence of our need to restore the operation of our government to what our Founding Fathers conceived. It was never anticipated that, as a free people, we would allow ourselves to be governed by a body of professional politicians who spend more time (and money) competing among themselves than on attending to the people's business.

This is a far stray from the principle of a government composed of people chosen from among neighbors for their integrity and record of competent judgment—people who expect only to commit a few years of their lives to a civic responsibility before returning to their former careers.

Mr. Lowry's article shows us that changes are necessary, and term limits for our legislators may be required if we are to have a government that truly represents the people.

Harold Goodell
Dubois, Wyo.

LAW OF DIMINISHING RETURNS

I just finished reading the paragraph in The Week (Feb. 13) about the Florida judge who ruled that banning public nudity amounted to a violation of the First and Fourteenth Amendments.

NR takes exception (as do I) to the actions of "robed, arrogant, over-educated functionaries." I contend that "over-educated" is the wrong word here, and I speak from experience: I hold three degrees from putatively very good to excellent academic institutions, but I am embarrassed to note that I am uneducated. You see, my degrees are all in mathematics (two from Georgia Tech, a Ph.D. from Maryland). I assert that I am quite well *trained*, but, alas, fairly poorly *educated*.

The point is that some wackpot lawyer (functionary) is by no means well-educated, let alone "over-educated," just by virtue of garnering degrees and/or licenses.

David Haley
Brookeville, Md.

COUNTERINTUITIVE, PERHAPS

I'm not sure I understand how putting George Clooney on the cover of an important national magazine (Feb. 27) will help him "get over himself."

Gene Thiele
Winona, Minn.

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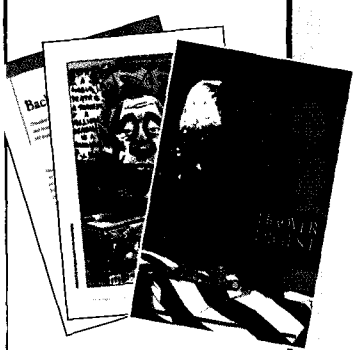

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The Gas War

The brief dispute over gas prices between Russia and Ukraine lasted just long enough to offer a disquieting glimpse of the future—Russian extortion of the West

After arguing with Ukrainian officials over the price of gas, on January 1, 2006, the Russian company Gazprom abruptly decreased the supply of gas to Ukraine. This action triggered dramatic decreases in the amount of gas reaching Europe.

Why did the Kremlin pull this stunt? Because it hoped that the economic dislocation would undermine support for the president of Ukraine, Viktor Yushchenko, and his party, Our Ukraine, in the March 2006 parliamentary elections. The price hike was all about politics.

The Russian action may have been directed at Ukraine, but it should be pondered in Washington. The current regime in Moscow cannot be trusted to behave as a rational and reliable partner of the West.

—Michael McFaul

That Rarest of Opportunities

Changes to the tax code occur all the time. Not so opportunities for reform

Since the Tax Reform Act of 1986, the tax code has been changed more than 15,000 times. Now riddled with targeted incentives, phase-out rules, and phantom tax rates, the tax code makes it impossible for most taxpayers to understand the rules, let alone to complete their own returns. The code contains at least five different definitions of "child," for example, while families that are interested in setting aside money for the future must attempt to choose among 401(k)s, 403(b)s, 457 plans, 529s, IRAs, Roth IRAs, Coverdell saving accounts, and Health Saving Accounts.

As members of the President's Advisory Panel on Tax Reform, we have become convinced that the country now faces a rare opportunity to simplify and improve the tax code. This presents an opportunity for the most wide-ranging reform since the Tax Reform Act of 1986 itself.

—Edward P. Lazear and James M. Poterba

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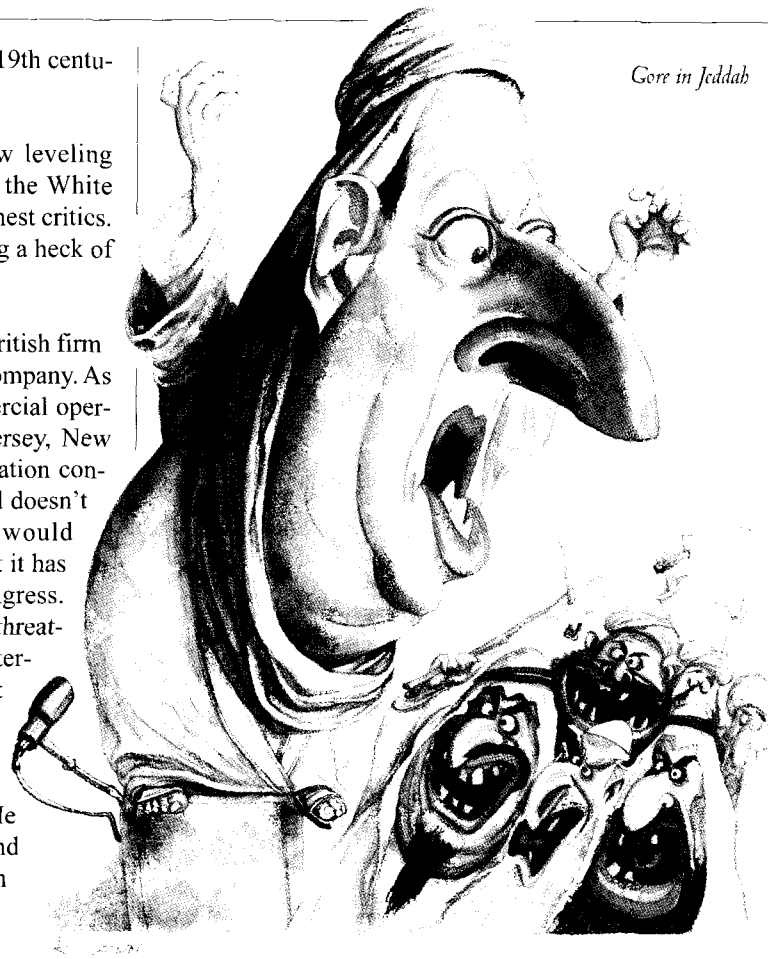
THE WEEK

■ There was a time—e.g., the first decade of the 19th century—when vice presidents shot to kill.

■ Former FEMA director Michael Brown, now leveling accusations of inattention and incompetence at the White House, is earning praise from the president's harshest critics. Pretty soon they'll be saying that Brownie is doing a heck of a job.

■ A federal panel approved the sale of a private British firm to a state-owned United Arab Emirates shipping company. As a result, Dubai Ports World would handle commercial operations at ports in Baltimore, New York, New Jersey, New Orleans, Philadelphia, and Miami. The administration contends that the deal was "rigorously reviewed" and doesn't jeopardize port security—security screening would remain the responsibility of federal agencies—but it has met with outraged bipartisan opposition in Congress. Republican governors in New York and Maryland threaten lawsuits to block the sale. The UAE's ties to terrorism have generated a legitimate debate about the appropriate limits on outsourcing the management of our ports. President Bush has foolishly sought to close down that debate by suggesting that critics of the deal have a bias against Arabs. He would be better off postponing the approval, and thus finding a safe harbor from the political storm his administration has called down on itself.



Gore in Jeddah

ROMAN GENN

■ Speaking before an audience in Saudi Arabia, Albert Gore Jr., who used to be vice president before he went mad, said that the United States had committed "terrible abuses" against Arabs after September 11. What abuses? Said Arabs were "indiscriminately rounded up" and "held in conditions that were just unforgivable." This, apparently, was a reference to the detention and interviewing of individuals with visa irregularities following the 9/11 attacks. There are several questions one would like to ask Gore. Given that the hijackers were lawbreaking Arab immigrants, might the detentions in question have been a justified precaution against further attack? Doesn't someone who opposes the detentions have an obligation at least to explain why they are unacceptable? What precautions would *not* have been terribly abusive? What aspect of the detainees' treatment was "just unforgivable"? What rhetorical escalation do those words allow in characterizing the treatment of, say, Christians in Saudi Arabia? Is it responsible for Gore to slander the United States to a Muslim world convulsed with anti-American hatred? Does Gore even ask himself these things? Or does he now let MoveOn.org do all his thinking for him?

■ An after-action report by a House investigative committee on the response to Hurricane Katrina concluded that government agencies are bureaucratic, unimaginative, inflexible, and inefficient. The committee found that the devastation wrought by Katrina was met by government failure at every level. In preparing for a large natural disaster, "all the little pigs built houses of straw." Congress and President Bush created the Department of Homeland Security in the hope that it would lead to better coordination among the 22 agencies and 170,000 employees that were folded into the new department. That didn't happen. In the case of Katrina, the 520-page report found federal efforts were marked by "fecklessness, flailing, and organizational paralysis." Having opposed the creation of the new behemoth department as an ill-conceived, ill-timed distraction, we are not surprised by the committee's scathing review. How about finding an example of a nimble, creative, adaptive agency meeting government's most fundamental responsibilities? C'mon, surprise us.

■ At the start of the year, Republican strategists were nearly unanimous in thinking that the party needed to get behind a

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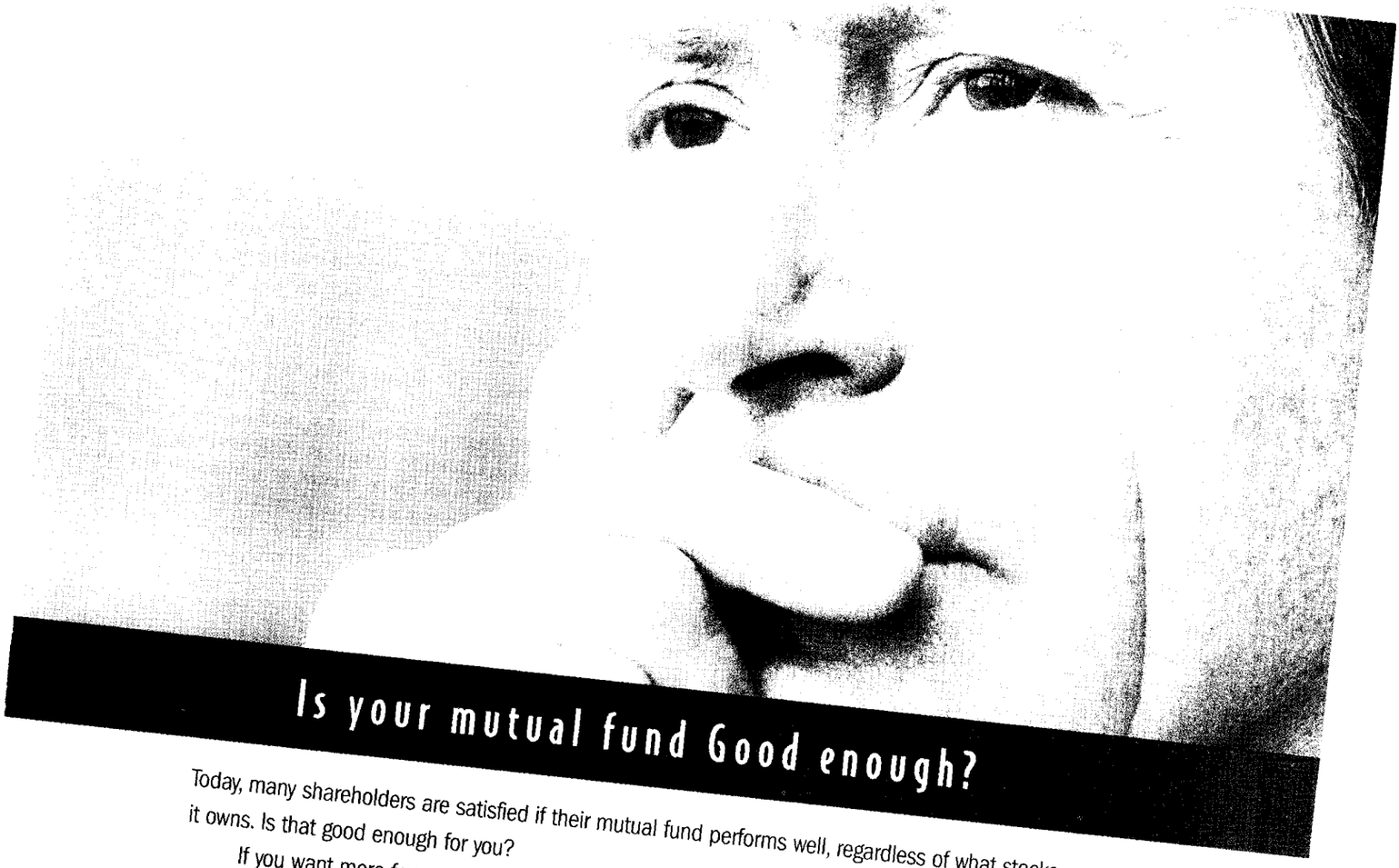

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THE WEEK...

strong set of lobbying and ethics reforms. That was easy for the strategists to say: Reform didn't mean getting rid of *their* perks. Republican congressmen are balking at giving up lobbyist-paid trips and other goodies. They are creating an opportunity for House Democrats to condemn a Republican "culture of corruption." The Democrats will have a point: Selfishness, sloth, and vanity, all of which have contributed to Republican resistance to reform, are a kind of corruption.

■ Democrats lost one of their most interesting Senate candidates when Paul Hackett announced that he would not challenge Republican senator Mike DeWine of Ohio. Hackett became a semi-celebrity among left-wing bloggers during a House race last year, when he was the first veteran of the Iraq War to seek federal office. But the publicity was at best a mixed blessing: It exposed Hackett as Howard Dean without the good manners, a blowhard who declared that Christian Republicans "aren't a whole lot different than Osama bin Laden." Democratic leaders recruited him to take on DeWine, but eventually decided they stood a better chance of victory with Rep. Sherrod Brown, whose lifetime voting record is to the left of Dennis Kucinich's (according to the American Conservative Union), and who led Hackett in fundraising by a factor of ten. The insurgent exited the stage with his trademark bluster. "First, my government misused and mismanaged the military in Iraq, and now my own party is afraid to support candidates like me."

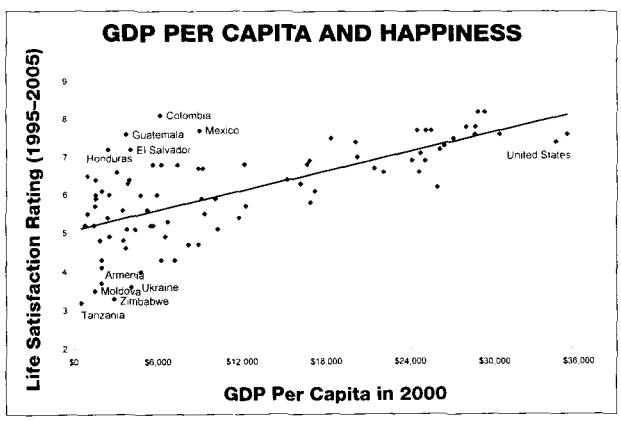
■ It was perhaps no accident that modern liberalism—increasingly secularist and feeling increasingly ill used—turned the 2002 funeral of Sen. Paul Wellstone into a political rally. Still, it was a shock to see traces of the same spirit at the funeral of Coretta Scott King, widow of a minister. Former president Jimmy Carter said the Kings were victims of "secret government wiretapping" (get it? get it?). The Rev. Joseph Lowery saw Carter and raised him, crying that there

In Pursuit

EVERYONE wants to live a happy life, but nobody, it seems, knows quite how to do it. John Stuart Mill captured the elusiveness of happiness when he argued against its direct pursuit. "Ask yourself whether you are happy," he wrote, "and you cease to be so."

There is little doubt that the pursuit of happiness in modern civilization is tied to the pursuit of income. But can money buy really buy happiness?

In this age of telephone surveys, we no longer must abandon the study of happiness to philosophers. Dutch sociologist Ruut Veenhoven has made a career out of happiness. His official job title is "professor of social conditions for human happiness," and he directs the World Database of Happiness, an exhaustive compilation of over 1,500 high-quality surveys about self-reported happiness around the world. Using sophisticated statistical techniques, Veenhoven has converted the results of the various surveys into a standard measure—how much people enjoy their life as a whole, on a scale from 0 to 10—and reported the average happiness in 90 countries from 1995 to 2005.



SOURCES: VEENHOVEN, R., AVERAGE HAPPINESS IN 90 NATIONS 1995–2005. WORLD DATABASE OF HAPPINESS. IMF, WORLD ECONOMIC OUTLOOK DATABASE, SEPTEMBER 2005

The nearby chart plots Veenhoven's happiness index and compares it with the economist's favorite measure of well-being, gross domestic product per capita. Each point depicts happiness and income for a given country. The U.S., for example, has a per capita income of $34,344 and a happiness index of 7.4.

The chart makes a compelling case that money can indeed buy happiness. The higher a country's income, the more likely its citizens are to tell surveyors that they are happy. But money is not the whole story. Some countries—such as Colombia, Guatemala, and Mexico—are far happier than we might expect, given their income. Others—such as Ukraine and Zimbabwe—are far unhappier than their circumstances suggest they should be.

What do the places that are unusually unhappy have in common? One key factor appears to be that they have very weak rule of law. And the unusually happy places? They tend to be countries with a high degree of religiosity. The five countries with the most surprising happiness given their income are predominantly Catholic.

So you might have a higher chance of being happy if you have a high income, but you can be happy in poverty as well, which brings to mind Viktor Frankl, who wrote 60 years ago that "we who lived in concentration camps can remember the men who walked through the huts comforting others, giving away their last piece of bread. They may have been few in number, but they offer sufficient proof that everything can be taken from a man but one thing: the last of the human freedoms—to choose one's attitude in any given set of circumstances, to choose one's own way."

The data suggest that religion helps individuals divorce their happiness from their worldly affairs. Money buys happiness, but you can get it for free if you shop wisely.

—KEVIN A. HASSETT

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were "no weapons of mass destruction over there," though "there are weapons of misdirection right down here." It was left to former president Bill Clinton to call his fellow liberals to order. "I don't want us to forget that there's a woman in there," he said, pointing to the casket. "We're always going to have our political differences . . . but we're in the house of the Lord." Amen.

■ A sensible compromise has ended the Senate logjam over renewal of Patriot Act provisions. People who receive Foreign Intelligence Surveillance Act (FISA) court orders or FBI-issued national-security letters that demand that they turn over business records will be free to consult lawyers without first notifying the government. If they have been told not to disclose those court orders and letters to anyone but their lawyers, they will be free, after one year, to challenge that non-disclosure requirement. The compromise means that the improvements the Patriot Act made—including the end of the "wall" that prevented intelligence agents and criminal investigators from pooling threat information, broader availability of FISA wiretapping and search authority, the sharing of grand-jury information with the intelligence community, and roving wiretaps for terror suspects—will be preserved substantially as they were enacted after 9/11. There will be additional oversight to protect civil liberties, some of it helpful, little of it harmful. It looks like most Patriot provisions will be made permanent in early March, with the remainder kept in place for at least four more years. The terrorist threat has not ended. These tools, which have contributed significantly to national security, remain vital.

■ Okay. We know that for a few years now the Bush administration has engaged in warrantless surveillance of the international communications of people with known connections to al-Qaeda. We know a lot of Democrats, and some Republicans, don't like that, especially the "warrantless" part. So what are we going to do about it?

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THE WEEK...

End it? We hope not; the program is an important part of the War on Terror, and the existing mechanism for granting warrants, the Foreign Intelligence Surveillance Court, is not nimble enough to okay each case. On the other hand, there is a good argument that some sort of oversight is appropriate. One promising solution comes from DeWine, the Republican senator from Ohio, who has proposed legislation that would specifically authorize the surveillance program—that is, make it exempt from FISA warrant requirements—but place it under congressional review. We need to build a political consensus for tracking al-Qaeda operatives and associates in the United States, which requires assuaging concerns about the executive branch's surveillance power. The DeWine plan is a good place to start.

■ Amid the brouhaha over the vice president's hunting accident, you might have missed some real news in Cheney's interview with Brit Hume. At the end of their talk, the Fox anchor asked whether "a vice president has the authority to declassify information." Yes, said Cheney, and "there is an executive order to that effect." Whereupon we learned about Executive Order 13292, issued by President Bush on March 25, 2003. The order gave the vice president many of the president's powers in dealing with classified information. The news set off feverish theorizing on the left. Aha! Cheney used his power to order his then–chief of staff Lewis Libby to expose the identity of Valerie Wilson! It was all part of the White House plot against Wilson's husband, former ambassador Joseph Wilson! A great story—except there's no evidence that it happened. As far as is known, Libby has never said any such thing, nor has CIA leak prosecutor Patrick Fitzgerald. In reality, the executive order is pretty much what it appears: a move by the White House to better meet the extraordinary demands of the War on Terror by giving the vice president a bigger role. That's an entirely reasonable course of action. And since it's an executive order, the next president, if he doesn't like it, can rescind it. What's the problem with that?

■ Congress set expiration dates for President Bush's tax cuts in order to reduce their impact on the budget. From the beginning, liberals denounced the time limits as a phony maneuver to mask the tax cuts' true cost. Congress, they said, would never really let taxes jump back up. So far, however, Congress has not acted to make the tax cuts permanent or even to push back the expiration dates. The same liberals who keep insisting on the meaninglessness of those time limits are also demanding that they be left in place. Sometimes they do both things in the same op-ed. They have now added another complaint to the litany: Bush is supposedly hiding the budget impact of making the tax cuts permanent. He is putting the cost estimates in the fine print of his administration's reports. It is a trivial grievance. None of the tax cuts' critics have needed those costs to be on page one of an administration report to make an issue of them. If those costs are large, it is because allowing the tax cuts to expire would amount to a large tax increase—something the liberals do not acknowledge. Nor do they acknowledge that even if the tax cuts were made permanent, the average tax rate is scheduled to increase over time as economic growth pushes people into higher tax brackets. Making the tax cuts permanent would moderate that tendency and increase economic growth. Congress should do it, and let Bush's critics come up with a new inconsistent complaint.

■ Adios to asbestos? Sen. Arlen Specter was given the opportunity to get the Senate to pass his behemoth bill to set up a federally administered trust fund to settle asbestos litigation. But he failed to get the required 60 votes to close off debate and move to a final vote. Senators are now reluctant to devote a week or two of their crowded calendar to controversial legislation that is unlikely to overcome a filibuster. Unless there is bipartisan support for John Cornyn's sensible alternative bill—which establishes reasonable medical criteria for claimants—abusive asbestos litigation will continue, hurting genuine victims and business defendants alike.

■ Sen. Jim Talent of Missouri has cosponsored Sam Brownback's bill to ban human cloning for three years. This year, Missouri will vote on a pro-cloning initiative. Biotech interests are spending heavily to promote that initiative, the state's Republican governor is behind it, and the ballot has been misleadingly worded to make voters think it will restrict cloning. Facing this juggernaut, Talent decided to change course. He has withdrawn his support for the bill and offered a variety of explanations for this decision. According to his latest explanation, given to columnist Robert Novak, he still opposes the creation and destruction of human embryos for research purposes, but worries that the Brownback bill would, in some unspecified way, hinder other, unspecified research that he supports. This undignified straddle is a disappointment to the senator's fans.

■ South Dakota is on the verge of enacting a law to ban abortion. Federal courts will almost certainly strike down the law before it takes effect, and the State of South Dakota will have to pay the fees for the abortion clinics' attorneys. Subsidizing the ACLU and Planned Parenthood may not be the legislators' intent, but it is the effect of their actions. There may be some value to putting the state's opposition to abortion on record. Let the legislators then pass a resolution committing themselves to the goal of protecting unborn human life from unjust killing as soon as it becomes possible—and committing themselves to participating in a practical strategy, combining legislation and litigation, to make it possible. The current bill, though idealistic, is a distraction from that task.

■ It would be nice if there were tapes of Saddam Hussein saying, "I've got weapons of mass destruction. I've hidden them from everybody. Someday I'll use them against the United States. Bush and Cheney are right." It would, indeed, be nice, but so far those tapes haven't surfaced. Still, there is

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significant news on the Saddam/WMD front. Newly released audio tapes of the deposed Iraqi dictator meeting with aides show that Saddam lied to U.N. weapons inspectors, and that he desperately wanted to keep the capacity to produce WMDs in the future. That might not be the smoking-gun proof of weapons stockpiles that some had hoped for, but it is enough to reaffirm the war's justification, which depended as much on the weapons Saddam might build as on the weapons he had already built. Unfortunately, there's one more issue: The tapes come with what might be called a messenger problem. The man who brought them to the public's attention is a former federal prosecutor named John Loftus, who in the past has written that the Bush family owes its fortune to the Nazis and that there was some sort of Enron/Taliban/al-Qaeda conspiracy before the September 11 terror attacks—a conspiracy that was, naturally, covered up by Cheney. Loftus, in turn, got the tapes from former U.N. weapons inspector William Tierney, who has said he relied on God, and, in one case, a friend's visionary dream, in his search for weapons sites. Loftus and Tierney are poor salesmen, but the tapes have been unquestionably authenticated.

■ Israel announced that it would withhold the $50 million it gives every month to the Palestinian Authority in tax and customs receipts. Palestinian voters recently returned a parliament dominated by Hamas, which is forthrightly committed to Israel's destruction, for which Israel understandably does not want to pay. Israel's forfeiture leaves the PA facing a deficit of over $100 million a month, up from about $60 million. Where does the money go? To pay 135,000 workers, nearly half of them security. Why is the PA so strapped? Shortfalls in handouts: Arab countries promised in 2002 to give it $600 million a year, but they have never given more than $100 million. Also corruption: The PA's own attorney general says that $700 million has been stolen in the past decade. If your economy is begging, your lifestyle stealing, and your goal murder, you may have trouble fashioning a healthy modern state. Let the Palestinians discover H. L. Mencken's definition of democracy: giving people what they want, good and hard.

■ Kofi Annan has asked President Bush for a little favor. That favor concerns Darfur, where a 7,000-man African Union force has failed to stop genocide. Annan wants a larger U.N. force in Darfur, and thinks that, unless the U.S. plays a central role in that force, it cannot be effective. In this, he is surely right. And he surely underscores the hypocrisy of America's one-world detractors, who damn our pernicious influence even as, behind closed doors, they beg us to expand that influence. But it is the nature of a great and moral power to accept ingratitude as payment, and to recognize that, while it cannot ransom the world from evil, it can try to stop the worst atrocities. Bush backs the U.N. plan, and advocates a larger NATO role in the interim. Whether U.S. combat troops will eventually be involved, or America will simply take on an expanded supporting role, is unclear. In any case, we can expect Annan to get back to a busy schedule denouncing the illegal Iraq war and demanding that the U.S. close its concentration camp at Guantanamo Bay.

■ Annan has, in fact, called for the closure of the terrorist-detention facility at Guantanamo Bay, in response to a report by a group of U.N. "human-rights investigators." The group, which reports to the U.N. Human Rights Commission—a body that includes such humanitarian luminaries as Sudan, Cuba, China, Saudi Arabia, and Zimbabwe—proclaimed that prisoners at Guantanamo are being treated inhumanely and even tortured. After completing their thorough, dispassionate, truth-seeking investigation of American atrocities, the noble rapporteurs called for the responsible U.S. officials to be prosecuted "up to the highest level of military and political command." Of course, none of the investigators felt the need to actually *visit* Guantanamo Bay to observe the scene firsthand. They instead interviewed some former detainees (eyewitnesses!), along with detainees' families and defense attorneys. Never mind that al-Qaeda training manuals instruct terrorist operatives to fabricate torture stories whenever they are captured. Never mind, either, that American officials deny the torture allegations. The Archimedean axiom of any good U.N. investigator is that *anybody* is more trustworthy than an American official. It is a principle with which, indeed, the U.N. hopes to move the whole world.

■ "People are counting the minutes for this regime to be over and gone," a prominent Iranian dissident recently told National Review Online. They may be counting for a long time. But thanks to the Bush administration, they may not have to wait as long as they originally thought. Condoleezza Rice has proposed $75 million in funding for Iranian dissident groups and labor unions, television and radio broadcasts into Iran, and fellowships for Iranians to study in the U.S. That number is more than seven times what the administration had already allotted for those purposes in its 2006 budget, and is clearly an effort to undermine the mullahcracy in Tehran. It would take a haruspex to say whether these funds will bring regime change, but given that Iran's rulers are aggressively Islamist, resistant to diplomatic niceties, and hell-bent on

CHENEY CARRIES ON

Dems swore they had him on the ropes:
Boxer could taste it, while
Pelosi had a gorgeous time
Encouraging her bile;
But like the Cheshire Cat, who fades,
Still squatting in that tree
(The grimace is the last to go),
Dick gets off an oo-eee!

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THE WEEK...

building nuclear weapons—and given that the Iranian people, whom the mullahs have alienated, are markedly pro-democratic and friendly to the West—it seems like the wisest course.

■ Box-office records are being broken in Turkey by a home-produced movie, *Valley of the Wolves*, which deals with the war in Iraq. The movie, the most expensive ever made in Turkey, shows sadistic U.S. troops humiliating, torturing, and killing helpless Muslims. The cast includes at least two American actors, Billy Zane and Gary Busey, the latter in the role of a Jewish surgeon who takes organs from Iraqi prisoners for shipment to Tel Aviv, London, and New York. Turkish prime minister Recep Tayyip Erdogan recommended the movie to friends after a private screening. His wife noted, "It's a beautiful film." Considering that Turkey is known to an entire generation of American moviegoers solely from the jailhouse horrors of *Midnight Express*, perhaps we should not be too annoyed.

■ It is somewhat surprising to learn that Danish pastries are very popular in Iran. But given recent cartoons, the Danes are not very popular over there, so the Iranian government has ordered bakeries to change the name of Danish pastries to "Roses of the Prophet Muhammad." Since Muhammad was merely God's messenger, and all idolatry of him or his name is prohibited in Islam, this seems to us to be skating close to blasphemy. Presumably the mullahs know their own religion best, though. We shall continue to enjoy our danishes under their traditional name (though the item seems actually to have originated in Vienna). Freedom fries, anyone? Just be careful not to drop them on our nice new Persian carpet—er, Floor Covering of the Founding Fathers.

■ Britain's Labour party gave itself a makeover in the 1990s, shedding the old socialist rhetoric to present itself to the electorate as a modern social-democratic party, tolerant of private enterprise and able to join compassion to efficiency in the management of public services. The old leftist impulse to regulate every aspect of people's lives did not go away, though. It manifested itself the other week in a complete ban on smoking in all enclosed places. Even private clubs are included in the ban, for the sake of their employees' health. There are, however, some interesting exemptions: Britons may continue to smoke in private homes, nursing homes, hospitals (sic), prisons, and hotel bedrooms. As always with lunacies of this kind, paradoxes abound. If Mr. Smith employs workers to fix up his house, or makes use of domestic servants, why is he permitted to inflict his smoke on them? And: If, after having been caught smoking in a prohibited place, he is prosecuted, convicted, and fined, but refuses to pay the fine, he will be sent to prison—where he may smoke! It is futile to bring reason to bear on programs of this sort. The driving impulse here is for domination and control, and for the relentless stamping out of all those liberties the English once cherished.

■ "Try not to laugh when someone says these are the world's greatest athletes, despite a paucity of blacks that makes the Games look like a GOP convention." Thus spake TV commentator Bryant Gumbel, holding forth on the Winter Olympics. If Gumbel were white, and had made a parallel comment about the predominance of blacks in some sport or other ("looks like an NAACP convention"), he would have been hounded out of his job by a screeching mob of PC enforcers, as Rush Limbaugh, Al Campanis, John Rocker, and others could tell him from experience. *And* the more common complaint about GOP conventions heard from the likes of Gumbel is that there are *too many* black faces being "showcased." *And*, at any rate, not long after Gumbel's silly remarks, black speed-skater Shani Davis won the gold medal in the men's 1,000-meter event. Thank goodness.

■ Marine flier Col. Gregory "Pappy" Boyington was in real life a WW2 hero, awarded the Medal of Honor and Navy Cross for shooting down 22 Japanese planes. In TV life he (played by Robert Conrad) was the lead character in the late-1970s show *Baa Baa Black Sheep*, "based on" Colonel Boyington's own autobiography of the same name. Colonel Boyington, a 1934 graduate of the University of Washington, died in 1988. With the 20th anniversary of that death in mind, UW senior Andrew Everett proposed that a memorial to the heroic alumnus be erected on campus. He sponsored a resolution to that effect at a meeting of the student senate. The resolution was voted down. One student senator suggested the school had honored enough rich, white men. (In fact Colonel Boyington came from a broken home, worked his way through college, and was one-quarter Sioux.) Another wondered aloud whether a member of the Marine Corps was an example of the type of person the university would want to produce. That, of course, is a thing the university must decide for itself; but if the United States altogether ceases to produce patriots of Colonel Boyington's caliber, our nation's future will be short and grim.

■ The USS *Iowa*, America's first 45,000-ton battleship, was commissioned in February 1943. During World War II she helped take the Marshalls, the Carolines, the Marianas, and the Philippines, and was in Tokyo Bay for the Japanese surrender. In the Korean War, she bombarded the eastern coast of North Korea. Congress wants to moor the *Iowa*, decommissioned in 1990, in California. Just not in San Francisco, whose supervisors, by an 8–3 vote, expressed their unwillingness to take it. Their disapproval of the Iraq War, and the Navy's policies on gays, formed the ostensible grounds of their reluctance, though supervisor Gerardo Sandoval, in an interview on *Hannity & Colmes*, was more frank: "It's a warship and it's got guns on it. It fires things." He went on to say that the United States "should not have a military." When asked how we might defend ourselves, Sandoval suggested that the cops and the Coast Guard could do the job, though he did not say whether they should be allowed to fire things. Stockton, Calif., is lobbying for the *Iowa*, and clearly deserves it. Meanwhile, would Tokyo accept San Francisco if we offered it?

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THE WEEK...

■ In the matter of demonstrating respect for the law and intolerance of willful law-breaking, you might think that the American Bar Association would be way out in front of the rest of us. Think again. The ABA's committee on legal education, meeting in Chicago recently, voted to give ABA accreditation only to colleges that meet certain standards of "equal opportunity and diversity" in their student-admission policies. This, the detailed wording of the resolution makes plain, is code-speak for the use of racial-preference quotas. Since, a) in most states, you can take the bar exam only if you've graduated from an ABA-accredited school, and b) several states, including some big ones like California and Florida, have banned racial preferences in college admissions, it follows that c) in order to qualify for the bar exam in such states, you have to be complicit in illegal activity on the part of your college. The first steps to becoming a practicing lawyer should not involve breaking the law.

■ IF YOU WANT TO GET AHEAD, GET A HAT. So went the haberdashers' ads, back in the days when men wore hats, and the word "haberdasher" was in common usage. In the Haitian cult of voodoo (nowadays, we note with horror, PC-ified to "vodou"), the formula for worldly advancement is slightly different: If you want to get ahead, get a head. A human head, that is, since this item is believed to be efficacious in protection against evil spirits. Ms. Myrlene Severe, a Haitian native currently resident in Miramar, Fla., is apparently desirous of this protection. Passing through Ft. Lauderdale airport after a trip to her homeland, she was found to be carrying a human head in her luggage. The head, well decomposed and speckled with soil, seems to have been taken from a grave. Ms. Severe was charged with not having the proper paperwork for the head, and with transporting hazardous material on an airplane. What *is* the proper paperwork for the importation of severed heads? And what, exactly, is hazardous about a head that has been long buried? And why is the ACLU not protesting these gross violations of Ms. Severe's religious freedom? Look out for decomposing body parts at your kids' next multicultural "Winter Holiday" school show.

■ Former actor Tom Malin is hoping to be a Democratic candidate for the Texas house of representatives. He has been collecting endorsements for the primary election in house district 108 (central Dallas). A pall has been cast over Mr. Malin's political career, however, by the revelation that he was formerly a male prostitute, advertising himself on a website as a provider of "hot, uninhibited" services to other men. The website, since deactivated, included testimonials from satisfied customers. Well, well, Phaedo was a male prostitute too (though not by choice), and there is such a thing as redemption. Local Democrats in Dallas, however, claim that Mr. Malin was less than honest with them when rumors about his past first appeared, and some endorsements, including one from the city's largest gay lobby, have been rescinded. We hope Mr. Malin will find gainful employment outside of politics and prostitution, and we strenuously forbear making any parallels between those two fields.

■ There never was an icon of American manhood to compare with the cowboy. For decades, from Tex Ritter and Hopalong Cassidy, through Gary Cooper and John Wayne, down to the spaghetti westerns of the 1960s, these rugged, self-reliant heroes rode and swaggered across our movie and TV screens, teaching us the elements of justice, honor, chivalry, and manliness. Alas, when we lost our national innocence, around 1968, we lost the cowboy too. Nowadays these slow-talkin', fast-drawin' legends of the old West are remembered, if at all, as pathetic symbols of a vanquished patriarchy, probably addled with insecurity, neurosis, and shameful secret longings. At least, that was the image presented in *Brokeback Mountain*—and now, too, in the latest production by aging Texas country singer Willie Nelson: "Cowboys Are Frequently, Secretly (Fond of Each Other)." The song has lines like: "What did you think all them saddles and boots was about?" and "Inside every cowboy there's a lady who'd love to slip out." John Wayne, thou shouldst be living at this hour. America has need of thee.

■ We like Graydon Carter, editor of *Vanity Fair*. A man who has employed Whittaker Chambers's biographer, Sam Tanenhaus, and who continues to employ Christopher Hitchens, scourge of Islamofascism, makes his shiny package of ads and celebs better than it has to be. They are not the only jewels in his crown, however. This year the annual Hollywood issue was overseen by fashion designer Tom Ford. Carter writes, in his "Editor's Letter," that the experience of working with Ford was epitomized by a Post-it Ford stuck on a photograph of Angelina Jolie (who didn't have very much else stuck on): "Leave in butt crack. TF."

■ We like Edward Cave, editor of *Gentleman's Magazine*. A man who has employed Samuel Johnson, poet and moralist, makes his package of essays and London chatter better than it has to be. Cave writes that the experience of working with Johnson was epitomized by a sheaf of foolscap that Johnson placed atop his latest report on the debates in Parliament: "Leave in butt crack. SJ."

COVER STORY

A Case of Rabies

IF the vice president of the United States shoots someone, *it is a story. This was true when Aaron Burr killed* Alexander Hamilton at Weehawken, and it remained true when Dick Cheney shot Harry Whittington at the Armstrong Ranch. Hamilton died, Whittington lived; Burr took lethal aim, Cheney was aiming at a quail. The modern event is nevertheless news. Vice presidents have been accumulating responsibilities—campaigning in off years, conducting state visits, running policy task forces—for the last half-century. With these assignments comes visibility. Like it or not, those are the modern rules of the office. If Dick Cheney

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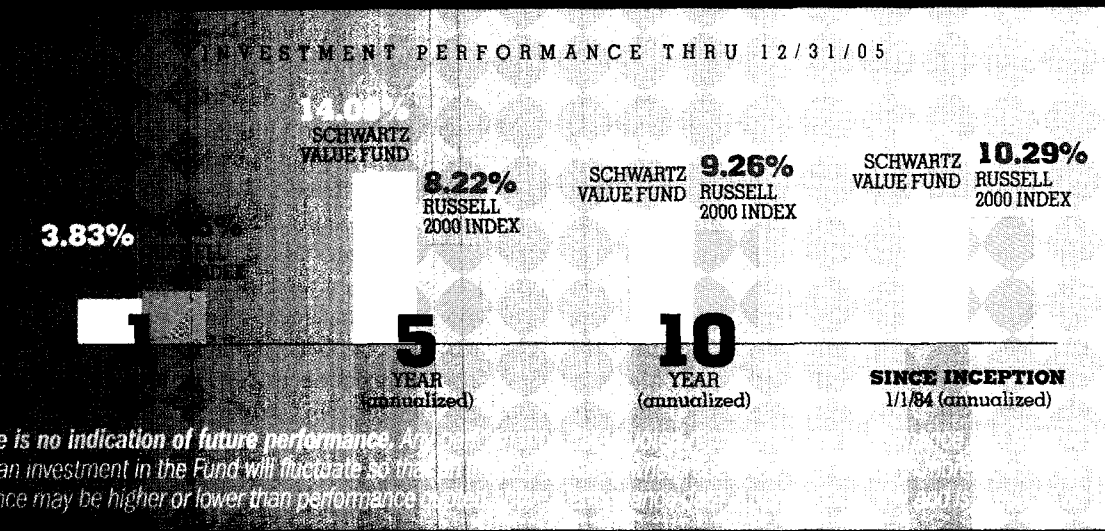
...rformance speaks louder than words



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THE WEEK...

valued his privacy above all else, he could have stayed home in 2000.

Once Cheney understood the bad impression created by the initial 18-hour delay in telling the press, and by his subsequent three days' silence, he went on television to accept full responsibility. "You can't blame anybody else. I'm the guy who pulled the trigger and shot my friend." When Mr. Whittington was released from the hospital, he said that "accidents do and will happen," and sent his "love and respect" to the vice president as he deals "with situations that are much more serious than what we've had this week."

The press, meanwhile, has been obeying its own dynamic, which has led it to dementia. NBC's David Gregory screamed at White House press secretary Scott McClellan as if Gregory was possessed, or McClellan was concealing a coup. Dana Milbank of the *Washington Post* and CNN commentator Paul Begala appeared on TV in orange hunting gear, in order to show that—what, Cheney shouldn't shoot them too? Bob Herbert of the *New York Times* called on Cheney to resign, "for the sake of the country and for the sake of the Bush administration" (a new object of his sympathies). Maureen Dowd was Maureen Dowd, but for a while there all her peers had Dowd-rabies.

The media were responding to a convergence of ideology, aesthetics, and self-love. Liberals dislike Cheney and the Left detests him as a corrupt warmonger, the lackey of Halliburton and the patron of neocons. Now he even shoots his friends (what might he do to his enemies?). Cheney looks the part the liberals have written for him—solid, stolid, gruff with enemies. The fact that Cheney and Whittington came to grief bird shooting, on a rich Texan's ranch, doubled their strangeness, and Cheney's sin.

The press, finally, wants what it wants, when it wants it. They are ever measuring their subjects and themselves against the golden age of the early Seventies, when they toppled Richard Nixon and South Vietnam. How dare Cheney hold the story of a hunting accident overnight from the people who destroyed a president and a nation!

When Harry Whittington left the hospital, he said he was sorry for all that Cheney "had to go through." Odd words from the man Cheney had shot. But then, Whittington had not been peppered by the press.

AT WAR

The Agony of Assimilation

THE cartoon war—the struggle over a Danish newspaper's caricatures of Muhammad—rages on, with lethal riots in Africa and Asia and protests in Europe and the United States.

The cause of Muslim anger is pride. Muslim tradition says different things about depicting Muhammad—some artists have shown his face, others have shown his body with a veiled face, still others refuse to show him at all. But in the modern world of Internet access and global cultural churning, mildly satiric depictions of him by outsiders appeared as an affront, a diss to every Muslim.

This feeling of wounded pride is used to gain or hold power. In countries where the worst violence has occurred, cartoon riots are the substitute for political primaries. Here aspiring politicians troop to Iowa and New Hampshire. There, where elections are erratic or nonexistent, they call out the mob. If the police kill a few of them (as in Libya or Pakistan), or if they kill a few Christians (as in Nigeria), it is a campaign expense, a cost of doing business.

Here aspiring politicians troop to Iowa and New Hampshire. There, where elections are erratic or nonexistent, they call out the mob.

In countries with functioning civil societies, the protests have been less deadly, but sinister in different ways. Muhammad Yaqoob Qureshi, a government minister in the Indian state of Uttar Pradesh, offered $11.5 million to anyone who killed the Danish cartoonists. His colleagues blandly explained his incitement to murder as a "personal wish," not a statement made "in his capacity as a minister." Other Indians were properly outraged: The BJP, the Hindu nationalist party, called for Qureshi's arrest, while the All India Muslim Personal Law Board, a group of scholars, denounced his comment as "anti-Islamic and anti-humanity."

Qureshi is a demagogic Muslim politician. What excuse does Günter Grass have? The Nobel laureate compared the Danish cartoons to the anti-Semitic incitements of *Der Stürmer*. Nazi propaganda is illegal in Germany, for excellent historical reasons. Is Grass then saying that the Danish cartoonists should be arrested? Sympathy for the sensibilities of others morphs into paranoia.

Decent people do not casually offend the sacred prejudices of their neighbors. When Roberto Calderoli, a minister in Silvio Berlusconi's coalition, went on Italian television wearing a T-shirt emblazoned with the Muhammad cartoons, he had to quit. But free countries allow freedom to the offensive. The Danish publisher of the original cartoons was trying to make a serious point about self-censorship in the face of Muslim immigrant cultural demands. If Muslims do not like a world in which they may happen to be displeased, they should go back to the certainties, and the riots, of their homelands.

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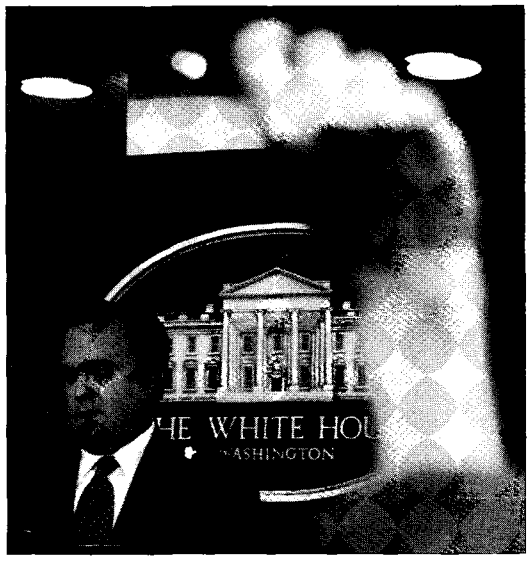

■ COVER STORY ■

The Greatest Story Ever Told

(They wish)

JONAH GOLDBERG

If only wishing it were so could make it so. If the cosmos worked that way, the sharks of the mainstream media and their remoras in the liberal blogosphere would have uncovered that Dick Cheney did in fact drunkenly shoot that Texas lawyer for threatening to expose the administration's plan to abolish the Constitution, take over the world, and then drain away all of our vital bodily fluids. They would also have learned that Cheney shot the aged would-be whistleblower Annie Oakley–style, reserving his other hand for an amorous grope of a woman other than his wife in the unforgiving Texas brush. Had justice been served he would have been arrested, shirtless and screaming, at a Motel 6, like one of the perps on *Cops*. All of these things and so much more would have proven true if only NBC's David Gregory could click the heels of his ruby slippers together.

Alas, it was not to be. You have to pity the poor SOBs. Conservatives seem to have a lot more success at wishing the seemingly outlandish into reality. We claimed that Bill Clinton was playing baron-and-the-milkmaid with an intern, and despite months of denials it turned out to be true. Of course, conservatives—at least some of them—also claimed that Bill Clinton was smuggling drugs into Mena airport and had had countless people, including Vince Foster, killed. These fantasies didn't pan out (and sensible conservatives never indulged them). But all in all, we have a pretty good record of connecting the dots.

The best recent example is, of course, the Greatest Story Ever Told, in which Dan Rather claimed to have proven that George W. Bush had done something or other while in the Texas Air National Guard. The problem was that Rather's proof lay in a bunch of made-up documents, their inauthenticity demonstrated largely by hordes of right-wing bloggers who took the time to sleuth out the typestyles of 30-year-old government-issue typewriters. Soon, the story fell apart like a road apple in a blender, as Dan Rather himself might say. But instead of admitting his mistake and begging for forgiveness like Henry in the snows of Canossa, Dan Rather, the Dean of Smug Liberal Journalists Who Refuse to Admit They Are Liberal, handcuffed himself to the drowning story and tried to swim to the sunny shores of FakeButAccuratonia. He was last seen on late-night C-SPAN pretending that the story was true because no respectable news outlet had proven it false (a standard which also proves that Dan Rather buggers goats and eats baby hamsters). One is loath to overstate the importance of Memogate, but even four out of five dentists agree this was simply the best thing ever to happen, ever.

Of course, conservatives don't always put the dots together. Sometimes the dots just fall like manna from heaven. Jayson Blair, Howell Raines, Steve Glass, Sleepy, Snoozy, Bashful et al. on occasion just wander into our line of sight like a Texas lawyer coming up behind the vice president. Like Whittingtons in a barrel, the MSM have made themselves an easy target. And unlike poor Mr. Whittington, they've made themselves a deserving one as well.

Meanwhile, the Left's pursuit of big game has mostly turned out to be a snipe hunt. There was that gay-escort guy who worked for the Talon News Service and who, we were told, would prove to be the Deep Throat of the Bush impeachment (we'll stop that metaphor right there). There was the payola scandal which lost Armstrong Williams and Doug Bandow their syndicated columns. One isn't slighting these men when one observes that their loss was hardly a crippling blow to the conservative media.

Against this backdrop, you can understand why the liberal bloggers were desperate not only to make hay out of Cheney's misfortune but to spin that hay into gold. So for days on end, everyone—from the normally sober-sounding éminence grise of blogdom Josh Marshall to the jabbering Jacobins of the Huffington Post—mounted his own freelance Warren Commission investigation, studying the ballistic signatures of expensive Italian shotguns the way we all once mastered the arcana of the superscript "th" on the old IBM Selectric.

The mainstreamers behaved little better. MSNBC's Lawrence O'Donnell lit a prairie fire of speculation that the veep is a drunkard who shoots at lawyers the way Elvis shot at TVs. Maureen Dowd and others insisted that Cheney had

JIM YOUNG/REUTERS

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blamed Whittington for stupidly walking in front of him while he was yee-hawing with his shotgun. But this case could be made only if you deliberately, tendentiously, and dishonestly read every disclosed statement and fact in the most damning way possible. Which, of course, is the perfect job description for Maureen Dowd. When White House press secretary Scott McClellan noted that Cheney's host, Katharine Armstrong, "pointed out that the protocol was not followed by Mr. Whittington when it came to notifying the others that he was there," Dowd took this as obvious evidence that "the usual sliming" had begun. She then proceeded to argue that Cheney's fowl-hunting techniques were directly analogous to his foreign and domestic policies. Seriously.

But why was the press so eager to leap to the most evil interpretation possible? Part of the story is the obvious Cheneyphobia poisoning the minds of liberals everywhere. For example, Robert Kuttner recently wrote a column about the Internet and civil liberties in the *Boston Globe* in which he matter-of-factly said, "Google plus Dick Cheney is a recipe for undoing the liberties for which the original patriots of the American Revolution bled and died." Before the hunting story hit, Dowd had proclaimed that Dick Cheney was trying to impose a "police state." To those who feel such animus, giving Cheney the benefit of the doubt must be like seeing Mephistopheles give candy to children and assuming he does it out of the goodness of his heart.

Another reason for the hysteria, as many have noted, is the narcissism of the "imperial press." The story was released on Cheney's timetable, not the White House press gaggle's. David Gregory's hysteria (he called McClellan a "jerk" and later apologized for it) could only be born of a profound sense of entitlement. Giving the story to the Corpus Christi newspaper was an affront to the papal authority of the MSM. This rage was only amplified when Cheney offered his explanation to Brit Hume, which Jack Cafferty likened to "Bonnie interviewing Clyde."

The complaint, while predictable, is certainly hilarious to those who've witnessed the sycophancy of mainstream journalists toward liberal politicians. Dan Rather told Bill Clinton at a CBS affiliates meeting in 1993: "If [co-anchor Connie Chung and I] could be one-hundredth as great as you and Hillary Rodham Clinton have been together in the White House, we'd take it right now and walk away winners. . . . Thank you very much, and tell Mrs. Clinton we respect her, and we're pulling for her." When Carole Simpson, ABC's former weekend anchor, interviewed Bill Clinton in 1999, she cut actual news from the interview in order to include her lengthy preamble: "I have to bask in this moment, for a moment, because I am here talking to the most powerful man on the planet, who was a poor boy from Arkansas. . . . I am an African-American woman, grew up working class on the south side of Chicago, and this is a pretty special moment for me to be here talking to you. How does it feel talking to me? That I made it, too, when people said I wouldn't be able to?"

But there's another explanation that few people have considered. We are accustomed to the charge—often legitimate—that politicians want to "change the subject" when the subject is politically inconvenient. But the press does it too. This is certainly the case when it's a "slow news week" and the media create a pseudo-event out of shark attacks or batty left-wing activists camped out at the president's ranch. Perhaps it's also true when the imperial press doesn't like an important news story that makes it look bad. In a normal time, the Cheney episode would have been relegated to the interior pages of most newspapers. But it just so happened that the story broke amidst the media's fetal crouch in response to the Danish cartoon controversy. That story revealed the bone-deep hypocrisy of a press that is eager to publish images or stories that damage the White House and America while inflaming passions around the world—think Abu Ghraib or the Koran-flushing fiasco—but also has deep misgivings about being offensive to "oppressed" minorities when the narrative isn't so clear-cut. The beauty of the Cheney story, or so it seemed, was that it shifted attention to a storyline in which the press was the aggrieved party. Of course, it takes a lot of wishing to make that interpretation plausible. But as we've seen, there is no lack of wishful thinking in the press today. **NR**

■ **POLITICS**

Off Track

Both parties bet on the other's flaws

RAMESH PONNURU

In 2004, Democratic strategists assumed that the presidential race would be a referendum on the incumbent. All previous presidential elections featuring an incumbent had turned on public attitudes toward him. That assumption made Democrats optimistic: Polls showed that most people felt that the country was "on the wrong track." Dissatisfaction would naturally translate into opposition to President Bush.

The Democrats were wrong. Early on, Bush's strategists had concluded that in a country as evenly divided as ours, the election would be as much about the opposition as about the incumbent. That's why they started criticizing John Kerry in the spring. President Bush was reelected with the highest overall vote percentage for any presidential candidate in 16 years—even though, on Election Day, polls still showed that a majority of Americans felt we were on the wrong track. Bush won because a decisive number of them believed that electing Kerry would take us further down that track.

Even more Americans fear we are on the wrong track now. As Democrats look ahead to the 2006 elections, they think that this sentiment will work to their advantage—this time. Republicans, once again, are counting on the unloveliness of the Democrats to see them through. The Democrats' flaws could indeed keep them from taking the House or making large gains in the Senate. But it would be risky for Republicans to count on it.

Democrats largely have Republican mistakes and mishaps to thank for their relatively happy prospects this fall. The Democrats didn't cause the Abramoff scandal, or the oil-price spike, or Hurricane Katrina, or the troubles in Iraq. The one big thing that Democrats did to help

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Hagia Sophia, Istanbul (Constantinople), Turkey.

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themselves was to maintain a solid wall of opposition to Bush's proposal to reform Social Security. The failure of that proposal deprived Republicans of a major accomplishment, stalled their legislative agenda, and created a sour mood within the party while emboldening the Democrats. Hanging tough against Bush was not, however, particularly hard, since there wasn't a state in the country where voters were demanding that the Democrats work with him on Social Security.

Having been handed several opportunities, Democrats have done a good job of squandering them. Mid-January, for example, saw a series of headlines about Republican scandal. Rather than exploit them, Democrats switched the subject to the president's wiretaps and Samuel Alito's ethics—two fights they were unlikely to win. Their behavior at that time illustrated five central problems facing the party.

The first is that no one is in charge. No one is making sure both that Democrats sing in tune and that the tune is one that the public wants to hear. Senate Democratic leader Harry Reid knew that a filibuster of Alito would backfire. The Democratic blogs had started to lower left-wing expectations of a filibuster. But then John Kerry decided to win some left-wing support for himself by staging one. The blogs could hardly stand aside given their vociferous opposition to Alito. It was a chain reaction. The result: The center was dismayed by the attempt at a filibuster, the Left by its failure.

The party that doesn't hold the White House always has several competing power centers. But Reid's inability to make Senate Democrats put the party's interests above individual ones is symptomatic of a deeper disunity. The House Democrats are led by Nancy Pelosi and Steny Hoyer, who have different ideologies and rival ambitions. Democrats in both chambers rightly distrust the ability of the party chairman, Howard Dean, to craft the party's message or agenda.

The rise of the blogosphere has caused further decentralization. If some partisan blogger says something nasty and indefensible about the news of the day, bloggers on the other side will publicize the remark: "Can you believe what they're saying? Those people have no shame!" Moderate members of the offending blogger's party then either have to distance themselves from the blogger or allow the remark to be associated with the whole party. As a result, the party has less control of its message.

The second problem is that the party's partisanship is often self-defeating. That's one reason the rise of the blogosphere has been especially difficult for the Democrats: Their leading blogs are consumed with hatred for the president and, much of the time, for Democratic leaders who are judged not to hate Bush enough. The party as a whole has become more aggressively partisan.

Democrats have not, in general, moved left. (They have moved left on a few specific issues, such as trade.) What has changed is the practical action Democrats are willing to take to see their views prevail. Alito would not have faced nearly unanimous Democratic opposition, or any calls for a filibuster, had he been nominated in 1990. When Dean says that he "hates" Republicans, or Reid says that the president is a liar, or the Senate Democrats go to war over Alito, they run the risk of making the Democrats look too hot. And they'll never be hot enough for the bloggers. Moreover, the bloggers' partisanship leads them to pour scorn on Democratic politicians who question the party's direction. As a result, they inhibit the kind of self-criticism that might revitalize the party.

ROMAN GENN

Third, the party keeps missing the political moment while it chases its own tail. Not capitalizing on the Abramoff scandal in January was only one recent instance of Democratic political malpractice. When Katrina hit, the Democrats might have been able to persuade the public that Bush's response was incompetent. But they were never going to get most Americans to believe that Bush deserved all the blame while Louisiana officials deserved none, or that he didn't care about black suffering. Dick Cheney's hunting accident would have inflicted more damage on the Republicans as well, if Democrats, and the press, hadn't piled on.

Fourth, the Democrats continue to lose on national security. Perhaps the Democrats deserve credit for sticking with principle even at the cost of unpopularity on the wiretaps. (Whatever the principle is. Their position seems to be that warrantless wiretaps are terrible, and that Congress should authorize them.) But the wiretapping debate followed Rep. John Murtha's call for a withdrawal from Iraq and Dean's declaration that the war was unwinnable. Marshall Wittmann, a political analyst at the Democratic Leadership Council, says, "I believe that more damage [has been] done to the Democrats on national security in the last four months than in the last 20 years."

The Democrats realize that national security is their Achilles' heel. Most of them have come to see that trying to change the subject from foreign policy to domestic issues—their losing strategy in the 2002 elections—won't work. But many of them think that louder dovishness is a winning strategy: that Dean or an anti-war Kerry could have won the presidential race in 2004. They think that the unpopularity of the Iraq war argues for this strategy. But following the polls here is a mistake. It does the party no good to be on the popular side of one poll question about national security if, at the same time, it is reinforcing its overall image as insufficiently tough to protect the country.

Fifth, the Democrats are too dominated by their congressional wing. Popular Democratic governors run an increasing number of states, such as Arizona, Montana, North Carolina, Oklahoma, Tennessee, and Virginia. Every one of those states

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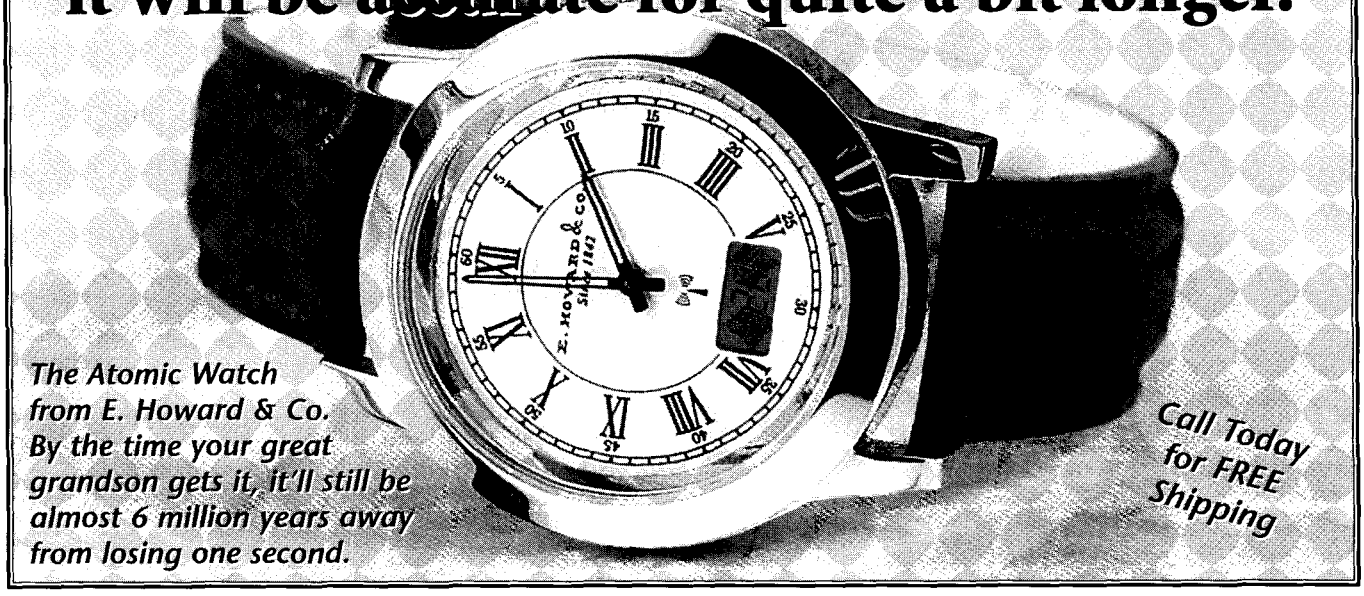

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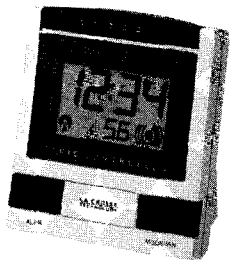

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is red. Every one of those governors is to the right of, and less partisan than, the party's congressional leadership. Yet it's the congreessmen who set the party's tone. Congressional Democrats are the members of the party least inclined to try to replicate Bill Clinton's political success, in part because they did not share in that success. Congressional dominance might even grow worse if the Democrats do well this fall. If they take the House, for example, John Conyers will become chairman of the judiciary committee. He has spoken favorably about impeaching President Bush.

Impeachment is enjoying a vogue on the left that neatly combines each of these problems. A big part of the impeachers' motive is the most mindless kind of tit-for-tat partisanship. Some liberal bloggers treat the impeachment of President Clinton as though it were an obvious political triumph for the Republicans, although there is certainly evidence on the other side: Approval ratings for the GOP fell to rock-bottom levels during impeachment. And the articles of a Bush impeachment would consist of the president's national-security policies.

The Democrats' flaws ensure that even a good year for them won't be a great year. It is not surprising that the decline in popular approval for Bush over the last year has not led to an increase in support for the Democrats. But Republicans cannot put too much stock in that fact. Ed Kilgore, another DLC official, argues that one would expect the polls to follow a certain sequence before a big Democratic victory. First there would be signs of public dissatisfaction (the wrong-track numbers). Then that dissatisfaction would generate reduced ratings for the Republicans. Only then would voters, having been detached from the Republicans by their unhappiness, move to the Democrats. He thinks we're in the middle of stage two.

Don Fierce, a Republican strategist, offers another caution. "Republicans are whistling past the graveyard when they say we're doing badly but [the Democrats] can never put it together. That's like the Democrats saying in '94, 'Don't worry, Newt Gingrich can never put it together.' Republicans are counting on incompetence on the other side, and that's a very dangerous thing to do." **NR**

■ **AT WAR**

Judging Saddam

No easy thing, to try a mass-murderer

DAVID PRYCE-JONES

THE trial of Saddam Hussein is without precedent in the Arab world. Rulers there remain in power until their natural death or their murder by a successor. In Iraq in living memory, the king and his family and his prime minister were trampled until their corpses were unrecognizable. Two of the nationalists who then seized power were themselves violently overthrown. Fear that this would be his own fate drove Saddam to many of his crimes. Baghdad is without a settled government for the time being, and mayhem on the street is not yet checked. But however fraught the context, Iraqis—and people throughout the Middle East—are taking note on their TV screens of each and every stage in the establishment of the rule of law. In that sense, Saddam's is indeed a show trial.

From the moment of his capture in December 2003, he was obviously going to provide a field day for the swarm of legalists and busybodies who have no responsibility but plenty of objections and fantasies about the nature of the world. Sure enough, the likes of Amnesty International, Ramsey Clark, and every other self-important leftist are agog to accuse the United States of imposing victor's justice. But there was never any question of trying Saddam outside Iraq. Iraqis had the will and the capabilities to hold the trial, and they set up a tribunal for this purpose.

As was only to be expected, Baathist brutality immediately joined hands with legalism in the attempt to compromise proceedings against Saddam. One of the five judges—along with several members of the tribunal staff—was murdered. Unseen hands have also shot dead two of the defense lawyers, and a third fled the country. Lawyers for Saddam are meanwhile practicing the usual tricks of the trade. The tribunal, they claim, has no legitimacy; they have not had enough time to prepare; and they will summon American presidents to show "U.S. complicity" with Saddam's crimes. They'll summon British prime ministers, too!

Other landmark cases are open to comparable legalistic objections. At Nuremberg, one of the Allied judges was a Soviet apparatchik involved in Stalinist crime at least the equivalent of Nazi crime. When the octogenarian Marshal Pétain was tried for treason as a collaborator with Hitler, his lawyers wanted the trial to be declared invalid on account of his age and poor memory. The Israelis infringed international law in kidnapping Adolf Eichmann in order to bring him to court. Milosevic sounds like Saddam, saying that his own court—the international tribunal at The Hague—has no legitimacy to try him. The special features of such cases prove only how elusive natural justice is.

In the dock with Saddam are his half-brother, Barzan Ibrahim al-Tikriti, formerly head of the intelligence apparatus; Taha Yassin Ramadan, Saddam's vice president; and five other defendants. Trying them was Rizgar Muhammad Amin, the presiding judge on a panel of five. A soft-spoken Kurd, he addressed Saddam as mister. Naturally interpreting politeness as weakness, Saddam began to bluster that he was president of Iraq, he would boycott the court, he would not submit to handcuffs, blah, blah, blah. When guards escorted him by the arm, he played angry. His *whole body*, he said, displayed signs of abuse by his American gaolers.

In the courtroom duel between them, Judge Amin had the upper hand: He gave Saddam scope to show himself a bully, a coward, and a liar. On account of the legalisms, however, the trial has gone into a series of recesses, and just as it was about to restart in January, Judge Amin resigned, complaining, "I can't stand anymore the criticisms I get from the street or from TV. This is my fault, and I feel sad because of it all, so my duty is to resign." Who knows what pressures, what threats, he was under? One possible successor turned out to be an ex-Baathist. The chief judge now, Raouf Rashid Abdel-Rahman, is another Kurd, as it happens from Halabja, where in 1988 Saddam ordered the gassing of 5,000 people.

As the defense intended, the legalisms

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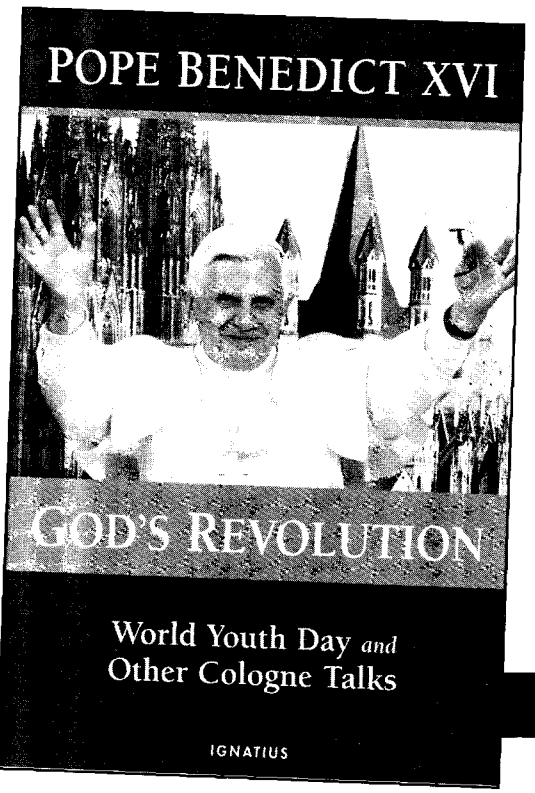

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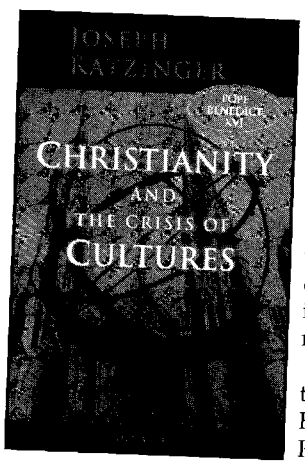

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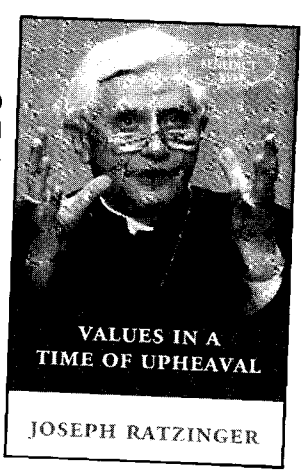

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and ensuing recesses have thrown shadows of uncertainty over the trial. So far, the court has dealt only with the atrocity that occurred in 1982 at the village of Dujail, which is a microcosm of Saddam's tyranny. He and a convoy were driving through when gunmen opened fire on them. In reprisal, some 400 villagers were arrested, and about 150 of them put to death. Witnesses have given evidence that whole families were rounded up and tortured, and that the men among them were never seen again. Listening to the recital of facts, Saddam at one point told the judge to "go to hell." During another session, a witness from Dujail testified that while he was being tortured, Barzan Ibrahim was present, sitting and eating grapes. Now it was Barzan's turn to begin shouting.

Playing to the gallery in the hope of creating an impression that the trial is unfair has become the defense strategy. Barzan Ibrahim has tested the authority of Judge Abdel-Rahman by cursing the court as "the daughter of a whore." Saddam, in turn, shouted "Down with traitors" and "Down with America." Not intimidated, the judge brought these disruptions to a close by having Saddam and Barzan, with their attorneys, removed from the courtroom. "You want to leave?" he said. "The court ejects you." The trial then proceeded in their absence, with court-appointed attorneys substituting, until the judge ordered another recess.

Media reports were almost unanimous that this was chaos, a shambles, or a "Soviet-style travesty of justice," as one official newspaper put it in Tehran, of all places to be worrying about legal niceties. Public opinion in Iraq, however, tends to be impressed by the grip of the judge. The authorities expect the trial to end in the course of the year, but this may be wishful thinking.

Crime on a totalitarian scale implicating a whole society is notoriously hard to pin down in court, as was seen in Germany. A book just published in Paris, *Le Livre Noir de Saddam Hussein*, shows how small a space the Dujail atrocity occupies in the spectrum of Saddam's crimes. The characteristic red wraparound that adorns French books makes the statement, "Two million victims." Here is a companion volume to *The Black Book of Communism*, which appeared in Paris about ten years ago. Its editor is Chris Kutschera, a journalist, and he has gathered contributions from Arab, American, British, and French specialists, covering every aspect of Saddam's decades of absolute rule. All of them qualify as leftists, prone to establishing obligatory credentials with some gibe about the United States, but all of them also believe that it was right to overthrow Saddam Hussein.

His violence was a repetitive process of killing whoever he imagined to be in his way, whether at home or abroad. So far, 47 mass graves have been located. Like parts of Europe in 1945, or Pol Pot's Cambodia, the country is an ossuary. Given the circumstances, nothing like civil society could take shape. In the pages of this *Black Book*, the everyday stories stand out, of lives destroyed for no reason. Paulus al-Sinatti was a press photographer who published a picture of Saddam's elder cousin, then titular president. In the photo, the man's hand appeared to have been half cut off. In the eyes of the secret police, this implied lack of power. So, they pounced on al-Sinatti. Refusing to believe that a technical error had occurred in the development of the photograph, they tortured him. He died soon afterward.

A woman whose father and uncles were killed speaks for the hatred inevitably inspired in the huge majority now following the trial on television: "If I catch Saddam, I'll cut him in pieces."

Whether or not justice is perfect, and whether or not Saddam and the other defendants are in their seats to listen, the court offers an alternative to the repetitive process of killing that maintained Saddam and his regime in power. Testifying, one woman wept to recall how she had been hung by the hands, beaten, and given electric shocks. Barzan then ordered the guards to hang her by the feet, whereupon he kicked her three times in the chest. "Master, I have nothing to confess," she entreated him during this ordeal. "Why are you doing this to me?"

The whole ghastly crew of tyrants and their henchmen for whom murder is the determining factor of politics will take note of what answer this trial gives to such a question. **NR**

■ **THE NATION**

Crying Wolf

Is America a dangerous place for its Muslim citizens?

DANIEL MANDEL

SPOKESMEN for Muslim groups in the West have made a large number and wide variety of claims against the societies in which they live. They speak of racism and discrimination, with the alleged misdeeds they cite ranging from defamation in the media and in Hollywood to physical attacks.

Capitol Hill and the White House seem to think these claims have a basis in fact. After the terrorist attacks of September 11, 2001, the Senate passed a resolution condemning "any acts of violence or discrimination against any Americans, including Arab Americans and American Muslims"; shortly thereafter, George W. Bush warned that intimidation of Muslims "should not and . . . will not stand in America." Presidents and Senates don't make statements of that type without believing that the situation calls for them. But does it?

If America were in the grip of anti-Muslim ferment, we could expect to see a major increase in hate crimes against Muslims and a corresponding lack of receptiveness to Muslim entreaties in the government, the media, and the public. According to a number of Muslim and Arab advocacy organizations, this is precisely what is happening.

The Council on American-Islamic Relations (CAIR), in "Unequal Protection," its civil-rights report for 2005, provides several graphs registering dramatic increases in reported civil-rights and hate-

Mr. Mandel is director of the Zionist Organization of America's Center for Middle East Policy, a fellow in history at Melbourne University, and author of H.V. Evatt and the Establishment of Israel: The Undercover Zionist.

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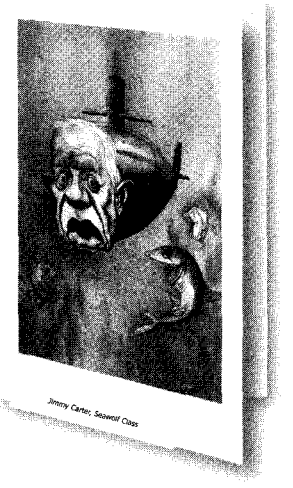

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crimes cases: 1,522 civil-rights cases in 2004, up from 1,019 in 2003 and 602 in 2002; and 141 "actual and potential" hate crimes in 2004, as against 93 in 2003 and 42 in 2002. The Arab-American Anti-Discrimination Committee (ADC) too, in its 2001–2002 report on hate crimes, alleged 165 violent incidents from January to October of 2002, amounting to a "significant increase over most years in the past decade."

The reality is rather different. Fabricated incidents and frivolous complaints have abounded in these reports and others like them. For example, no fewer than five cases of arson or vandalism of Muslim businesses appear to have been the result of attempted insurance fraud on the part of the businesses' owners. In two cases, CAIR protested on behalf of those alleging hate crimes, Mirza Akram and Amjad Abunar, demanding investigations—and then was struck dumb when each man was charged with arson. Other incidents reported by CAIR cannot be substantiated. There are no police records to back up the alleged explosion of a bomb outside a Houston mosque in July 2004. Another case CAIR cites—a mosque fire in Springfield, Mass.—was eventually ruled to be a juvenile robbery in which the fire was lit to obliterate evidence of a break-in, and was not motivated by anti-Muslim bias. Past ADC reports have referred to egg-pelting incidents against Muslims on a university campus that, on inspection, proved in one case not to have had an obvious hateful motive, and in the other to have been a fabrication by the supposed victim.

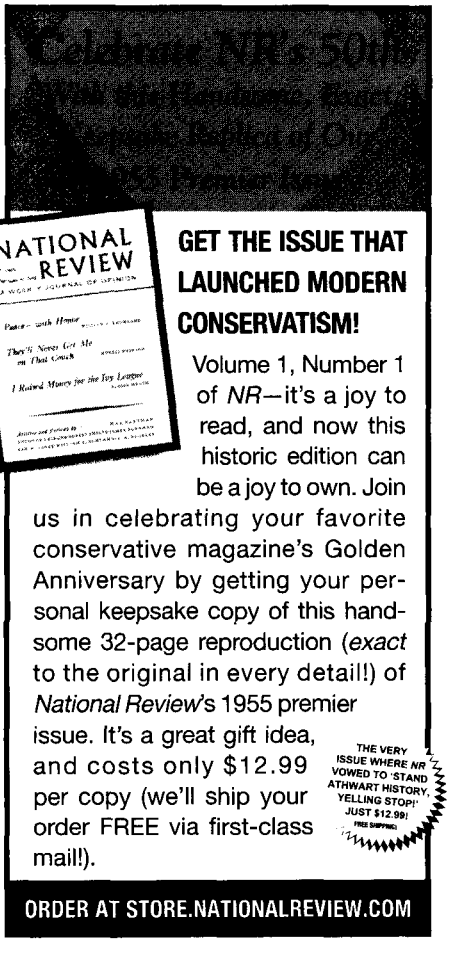
Turning to the most serious crime—murder—of eight reported by CAIR in the year following September 11, 2001, all but one had ambiguous motives and on investigation could not be attributed to anti-Muslim motivation. More recently, Daniel Pipes and Sharon Chadha took a microscope to some incidents in CAIR's latest report and concluded that, of "twenty 'anti-Muslim hate crimes' in 2004 that CAIR describes, at least six are invalid." Findings like these fatally compromise the credence that can be paid to CAIR's reports.

Beyond citing examples that appear to be outright fabrications, the authors of CAIR's reports show a remarkable ingenuity in defining what constitutes an expression of anti-Muslim bias. Hollywood has been a particular target of Muslim groups for its supposed insensitivity. The ADC decries "the extremely serious problem of negative stereotyping of Arabs and Arab Americans in the entertainment industry." With metronomic regularity, Muslim groups protest action films dealing with Middle Eastern terrorists for reinforcing a supposed culture of intolerance and racism. To Westerners, they present their argument as an appeal for fair play. Elsewhere—particularly in the Middle East—their complaint takes on an anti-Semitic complexion—the culprit now being conscienceless Jewish domination of a Hollywood that slavishly serves the interests of Israel, or of the U.S. military-industrial complex, or whatever variant thereof the subject and occasion demand.

In fact, nothing very sinister is afoot. Hollywood has always dealt in a range of stock characters and situations, and this is not reprehensible when it has a basis in fact. It is not malignity, but reality, that leads filmmakers to depict Nazis as Germans or World War II Japanese generals as imperialists. Likewise, documentaries and films on terrorism that are inspired by actual events tend to tell Middle Eastern, not Scandinavian, stories. If anything, Hollywood has latterly gone to extraordinary lengths to avoid offending Muslims, dragging other groups into service as terrorist villains. In *The Sum of All Fears*, the Middle Eastern terrorists of Tom Clancy's novel were transformed, following CAIR's intercession with the director, into European neo-Nazis. In *The Interpreter*, sub-Saharan Africans replaced the Muslims originally intended as terrorist villains. Recently, Fox acceded to CAIR's concerns over an episode of its series *24* that depicted Muslim terrorists by announcing it would give airtime to CAIR for public-service messages.

Hollywood's pusillanimity in the face of criticism from Muslim groups mirrors a sometimes misplaced sensitivity and presumption of guilt displayed by other institutions. CAIR is a Saudi-funded organization whose founder is on record praising suicide bombers and saying he would like the Koran to be the highest authority in America, and whose personnel have been implicated in crimes consistent with these positions. One would expect that, with such a record, CAIR would be shunned. To the contrary, it is courted by government, law-enforcement agencies, civil-liberties groups, and religious bodies. Corporations too have been obsequious, perhaps because commerce is highly sensitive to organizations willing and able to trumpet claims of discrimination and insensitivity. As a result, Arabic-script logos deemed offensive to Muslims have been removed by advertisers; a broadcaster who offended CAIR has been fired; and Internet providers have taken down websites filled with content hostile to Islam—something unlikely to occur in respect of anti-Jewish hate sites.

It is something of an Islamist triumph that such a weak case for corrective action has drawn such wide support in a country where Muslims have done exceedingly well. For the truth is that American society is generally respectful of Muslim needs and concerns. Muslim men and women who have lost their jobs for violating employer dress codes (by insisting on beards or traditional garb), or who have suffered even inadvertent discrimination in the workplace, have been either gener-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ously compensated or reinstated. Conversely, other groups suffering more from hate crimes tend to get ignored. In 2004, the FBI reported 1,374 crimes motivated by religious bias, of which 954 (67.8 percent) were committed against Jews, but only 156 (12.7 percent) against Muslims. This has not resulted in allegations of an anti-Jewish crime wave in the United States, much less in concerted action to address pervasive racism against Jews.

On any serious index of hate crimes and discrimination against Muslims, Americans are not significantly represented. We should remember this truth next time complaints emerge from CAIR and likeminded groups. In particular, the mainstream media should treat these claims without credulity and independently verify allegations; government and institutions should shun radical pressure groups; and corporations, perhaps the most vulnerable target of campaigns alleging racism and insensitivity, should deploy strategies other than caving in. **NR**

■ **PUBLIC POLICY**

Wrong Man, Wrong War

A case of mistaken identity in the war on drugs, and not an isolated case, either

ANTHONY DICK

LAST summer, when Siddharth Patel stepped off the plane in Newark Airport on the way back from his honeymoon in India, a team of federal agents was waiting for him. They snatched the surprised newlywed from the customs gate and spirited him down in handcuffs to a detention cell where they told him he was under arrest. He asked to know what he had done wrong, but the arresting officials refused to tell him. Over the next twelve days, Patel would be transported to and from several prisons across the country, often unable to talk to his family or even to his attorneys for days at a time. Discussing it after the fact, his tone is still heavy with bewilderment: "I had no idea what was going on."

Patel, a U.S. citizen, had been snared in the dragnet of "Operation Meth Merchant," an undercover federal sting operation designed to crack down on the manufacturing of illegal methamphetamines in the state of Georgia. As his luck would have it, he was quickly being cast as yet another unhappy player in the perverse drama that is the federal war on drugs.

At the time of his arrest, Patel had never even heard of meth, the drug that prosecutors were citing in connection to his incarceration. "The only drugs I knew about were marijuana or cocaine,"

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he says. "I had no clue what [meth] was. I had to wait until after I got released to find out more about it." Patel's attorneys, once he was able to secure them, quickly explained that the Meth Merchant sting did not actually target drug producers, dealers, or buyers. Instead, it was directed against convenience-store clerks who were selling over-the-counter items—matches, charcoal, camping fuel, cold medicine—to customers who might then use them to manufacture meth.

As Patel eventually learned, it is illegal to sell a product to a person if you know or should know that he is going to use it to produce illicit drugs. In the meth production process, various chemical ingredients can be extracted from household products. Red phosphorus, for example, is a key meth component that can be taken from matchbook scratchpads.

So the feds thought Patel was a convenience-store clerk in Georgia who had sold products to people who he had reason to believe were drug producers. For this, they sought to lock him away, refusing to release him on bond for almost two weeks and threatening him with up to 20 years in jail and $200,000 in fines. They claimed to have undercover audio and video evidence of the sales, along with testimony from a confidential informant who swore that he had made illicit purchases from Patel.

The only problem, Patel kept protesting, was that he wasn't a convenience-store clerk; he hadn't been in the store in question on the day the feds said he was; in fact, he hadn't even been in the state of Georgia that day. He had been in his new hometown of Hicksville, N.Y.—where he had recently moved from Georgia—working at his sister's Subway sandwich shop. The feds' undercover tapes must have had someone else on them.

One of Patel's defense attorneys, McCracken Poston, knew that the misidentification of his client was not just an isolated mistake. Another of his clients, Malvika Patel (no relation to Siddharth), had also been misidentified, mistakenly arrested, and wrongfully jailed in the Meth Merchant mess. Poston had already helped Malvika corroborate her alibi and get her charges dropped, and eventually he was able to do the same for Siddharth—but not before the hapless defendant had to spend $55,000 in legal fees and endure twelve days of incarceration.

It is still not entirely clear how the misidentifications of Siddharth and Malvika occurred. The former had both a Georgia driver's license and a car registered in the state. Defense attorneys have speculated that federal informants identified the Meth Merchant suspects by looking at driver's-license photographs, but the U.S. district attorney's office in the Northern District of Georgia did not return repeated phone calls from NATIONAL REVIEW to address this point, or any other.

As Poston tells it, the travails of Malvika and Siddharth are representative of the overall sloppiness and confusion that have pervaded Operation Meth Merchant from its inception. "Everything about this stinks," he says, laying out the tale of a law-enforcement campaign that has been almost as flawed in its execution as it was misguided in its grand design.

In order to be guilty of providing material support to drug producers, the accused store clerks would have had to know—or have reason to believe—that they were selling products that would be used to manufacture illegal drugs. Yet 44 out of the 49 defendants in this operation are of Indian descent, and in many cases their English falls far short of fluency. As Anjuli Verma of the ACLU points out, many of them simply lack the conversational and cultural aptitude necessary to determine when a customer might be planning to cook up some meth.

I called one store where an employee was still facing charges for selling matches and two bottles of pseudoephedrine—an over-the-counter cold medicine—to an undercover informant. I spoke with the storeowner and the accused employee, both Indian immigrants who asked not to be identified. (An attorney for the store's corporation says a plea deal is in the works, in which the corporation may pay a fine in exchange for the charges' being dropped against the employee.)

About his employee, the storeowner says, "He speaks English enough just to do the transactions [at the cash register]. He came from India maybe three years ago, and has been working maybe twelve hours per day since then." When I ask whether he thinks his employee understood what meth was at the time of his arrest, the owner responds, "He has never been involved in any type of drugs, so how is he supposed to know about any methamphetamine?"

I ask the owner to put his employee on the phone, and he reluctantly agrees. "But speak slowly," he says, "and he will maybe understand a little." Speaking slowly and repeating myself a few times, I ask the employee to describe what went on in the transaction for which he is being prosecuted. He recalls a customer who came into his store: "He just told me, 'I need a case of matches.' So I said okay, and I just gave [it] to him. . . . Then he [asked] for a case of ephedrine medicine, and I said no. My manager [said] only sell two bottles. He was asking for [a] case four or five times, I am saying no, no, no."

I ask, "Did you think the customer had the intention of making illegal drugs?" "No, nothing he talk about that thing." "Had you ever heard of the drug called meth before?" "No, I had never heard about any thing called meth." When I press him further, he admits that the customer said something about having a "good cook going on"—a phrase that, according to prosecutors, is commonly known to refer to the meth production process. But when I ask the accused employee about this, he says, "People come in and say they are having a cook, cooking something, ask[ing] for matches. I [was] thinking he was having [a] barbecue."

Such is the state of the ongoing war on drugs, where a sales clerk's misunderstanding can land him in the crosshairs of a federal task force. Add this to the burden of costs that our country has borne for the sake of drug prohibition. We have put up with wasted tax dollars, broken families, swollen prisons, and swamped police forces. Now shopkeepers are being hounded by federal agents for selling legal products that have the alchemical potential to be transmuted into street drugs. And, on top of that, the feds can't even pick the right shopkeepers to hound. As these outrages multiply, and the costs keep piling up, why do we continue to tolerate it? **NR**

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■ COVER STORY II

If You're Going to Tell a Joke . . .

. . . try to get it right

ROB LONG

A FEW seasons back, on HBO's magnificent series *The Sopranos*, mob boss Johnny Sack hears through the grapevine that some of the guys have been making fun of his wife. She's got a weight problem, see—she's a *big* girl—and apparently one of the guys, over a game of poker, made some kind of smart remark. A joke or something. So Johnny goes to Carmine, the boss of the New York operation, referred to by the Jersey crew, using low and meaningful voices, as simply *New York*, and he asks Carmine to sanction a hit on the guy who told the joke, Ralph Cifaretto. Carmine is nonplussed. What was this joke, anyway? he asks. So Johnny Sack with great difficulty retells the joke he heard that Ralph Cifaretto told some guys about how fat his wife is: Someone at the poker game mentioned that Johnny's wife went to see a doctor, and Ralph then says, apparently, "Yeah, she's getting a 90-pound mole removed from her a**."

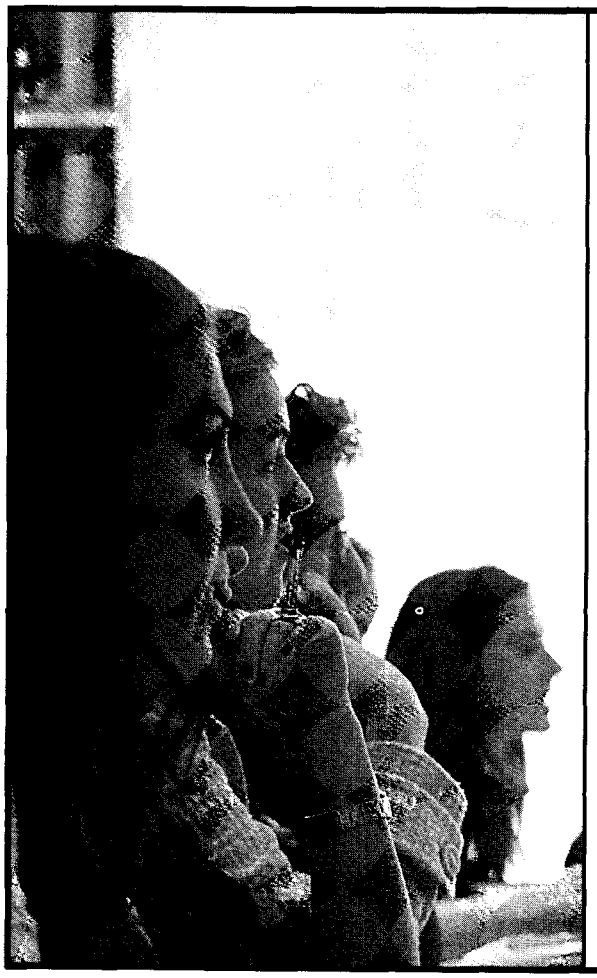
Carmine looks up from his espresso with a quizzical expression. He clearly doesn't understand the joke. So Johnny has to explain it, painfully: The implication here, he tells Carmine, is that my wife is so fat that her rear end could conceivably sustain a 90-pound mole. Carmine continues to look baffled, and eventually decides to sanction a hit on Johnny.

You see, if you find yourself explaining a joke, for whatever reason, it's best to stop before someone gets hurt.

So when Dana Milbank, the *Washington Post* reporter who appeared on an MSNBC talk show to discuss the Dick Cheney accidental shooting—do we have a name yet for this event? something pithy and sharp? Quailgate? Birdgate?—arrived dressed in hunter's orange, I wanted to look up blankly from my espresso. Yeah? And?

He got a lot of flak for it, apparently. The *Post*'s ombudsman, Deborah Howell, tut-tutted him for his insensitivity, or the appearance of bias, or maybe the appearance of insensitive bias, mostly because at the time Milbank made his appearance, the elderly victim of Cheney's errant blast, 78-year-old Texas lawyer Harry

Mr. Long writes NR's Long View, and is the author, most recently, of *Set Up, Joke, Set Up, Joke*.



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Whittington, was still in somewhat dicey condition.

Not funny, was the general reaction to the wardrobe gag, the guy's still critical. But that, of course, misses the point. It wouldn't have been funny no matter what. Forgive me for turning a professional's eye to a silly appearance on an insignificant cable-news talk show, but, um, I don't get it. He's wearing orange to *refer* to recent events, right? And that's funny because . . . ?

A joke, see, has two crucial parts: It has a set-up ("Johnny Sack's wife is going to the doctor") and a punchline ("Yeah! To get a 90-pound mole removed from her a**!")—and without those two items, it really isn't a joke.

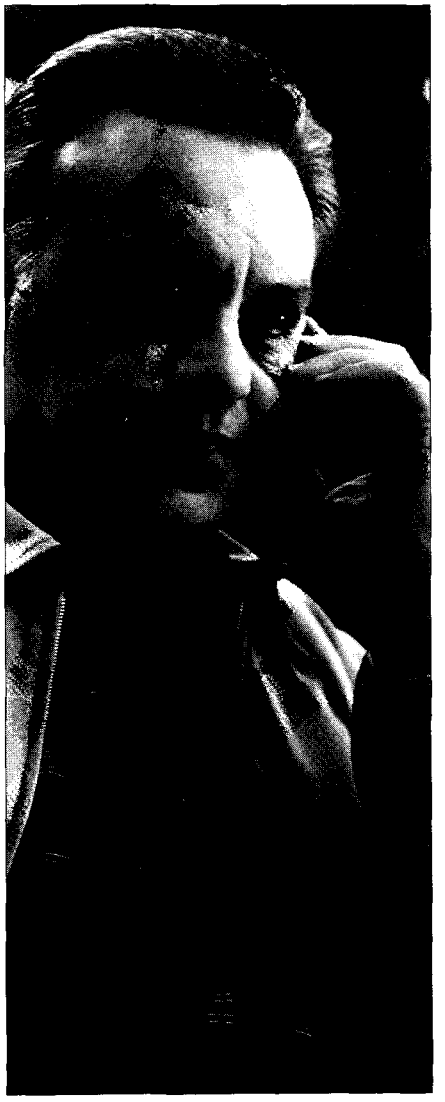
On my first day of my first job in television, a young staff writer on the long-running show *Cheers*, I was told that any beer joke would have to be filmed twice, once for the audience and once again after the audience left the soundstage. The trouble was, any time the word "beer" was mentioned in a set-up-ish context, the audience would start laughing, anticipating that the Norm character, a beer-loving layabout, would have something funny to say. So we were getting laughs on the set-up part of the joke, which would drown out the punchline part, which meant we needed to film them twice, for the soundtrack and the timing. In a way, it's a good problem to have—an audience so tuned in to your characters that you no longer have to do any real joke writing. It's all just set-up. The audience plays the punchline in their heads.

Which is what Dana Milbank was doing. And what a lot of conservatives did during those Technicolor™ Clinton years. There would be lots of talk about cigars and blue dresses but they never really added up to an actual, repeatable, write-down-able joke. It was always just ho-ho-ho, get the reference?

Of course, those were *partisan* jokes told by *partisan* joke-tellers—not weird costume bits by, ahem, respected *Washington Post* journalists, who, we are routinely told and rotely scolded, are *totally unbiased recorders of contemporary events*.

But suddenly everyone jumped down Milbank's throat about it, so the left-wing perspective on Cheney's accident quickly turned from *ludicrous white men shooting each other* to *drunk, sinister gun nuts perpetrating black-ops*. Which is, let's be frank, more in keeping with the current drift of the left wing, but isn't really all that helpful when you're trying to win a lot of congressional races in the autumn. Silly rich white guys, out of touch with real Americans, gallivanting around Texas ranches, blasting each other with birdshot, could be a compelling populist message. Why Cheney didn't issue a press release twelve hours earlier . . . isn't.

Years ago, on one of my canceled television shows—well, they've *all* been canceled, so to be specific I should say that this was my *first* canceled show—we did a joke about a character who had a philosophical attitude toward relationships. "When you're a young man," he tells the other characters, "you play the field, you date a lot of women, you know, you get around. But at a certain point, you reach the age when you're ready to settle down, to make a commitment, to give yourself to one person, and you do the mature thing, the right thing, and you fly to the Philippines and you buy yourself a wife."



SCRIPPS HOWARD

Johnny Sack, not happy

Okay, not a killer joke, I admit, but it did the job: People laughed and we were out of the scene. A month or two later, though, we received a sternly worded letter from some watchdog group reprimanding us for turning an offensive ethnic slur into a bad joke. Did we realize how hurtful and outrageous and offensive we had been? (We didn't.) The letter wound up to its big finish: Were we even aware, it screeched, that the Philippine government had outlawed mail-order brides *in the early Nineties*?

Our show was broadcast in early 1995. We had missed the cutoff, apparently, by 18 months. If only we had reshuffled our post-production schedule and broadcast that episode earlier, no harm done. But we hadn't, and so the joke was broadcast slightly past the secret deadline, which meant that the entire creaking placating machine had to be fired up: Studio publicists wrote soothing letters in response (the character who uttered those offenses is the "lowlife" guy; he's the butt of the joke; we were *critiquing* his point of view, see; we were giving voice to the outrage of mail-order bride buying through *humor*; we're all on the same side!) and got some I-refuse-to-be-placated answers back, and the joke was parsed and re-parsed and re-re-parsed by dozens of professionals in the apology and outrage businesses until finally, a few months later, the show was canceled and the caravan moved on.

The trick, though, was to get us to explain the joke. The minute the publicist entered into that awful dance, we were sunk. We were Dana Milbank in that orange vest, looking stupid and creepy and wrong-footed. We were Johnny Sack in Carmine's office, explaining how fat, exactly, people think our wife is. That's Carmine's masterstroke on that episode of *The Sopranos*. He makes Johnny tell the joke, and then he pretends not to get it. Of course he got the joke—that fat broad is getting a 90-pound mole? Removed from her a**? That's funny stuff, and you can bet Carmine laughed about it later. But then, Carmine, unlike Dana Milbank, has no ax to grind. He's free to laugh. **NR**

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■ HIGHER EDUCATION

A Law School With a Twist

At George Mason University, the Left doesn't reign, believe it or not

JOHN J. MILLER

THIS is a nerve-wracking time of year for law-school deans, as they await the results of what amounts to the Bowl Championship Series for their profession: On March 31, *U.S. News & World Report* will release its rankings of the top 100 law schools in the country. Most of the deans insist that these assessments are "inherently flawed" and "unreliable"—and virtually all of them will sign an open letter to law-school applicants that says so.

But Daniel Polsby, the dean of the George Mason University School of Law, is different. His name will not appear on the forthcoming annual missive, and he's actually looking forward to the *U.S. News* survey. "We hope to move up a few places this year," he says. That would certainly be in keeping with a decade-long trend: Mason vaulted from 71st place in 1995 to 41st in 2005—an impressive achievement given that these rankings tend to remain static from year to year. Even more remarkable is that this fast-rising star in the law-school firmament possesses a faculty of professors who lean decidedly to the right.

This fact alone makes the GMU law school unique. As with just about every other precinct of higher education, liberals dominate law schools. A study in *The Georgetown Law Journal* last fall found that among professors at leading law schools who made political campaign contributions of at least $200, 81 percent of them gave almost exclusively to Democrats. Only 15 percent preferred Republicans. This preference was especially lopsided at Yale, Harvard, and Stanford—the top three law schools in the most recent *U.S. News* survey—where donations to Democrats topped 90 percent.

GMU wasn't included in the survey, but its figures wouldn't have looked the same. For one thing, the faculty includes an unusually high number of Republicans. Several professors have moved in and out of the Bush administration, such as Timothy J. Muris, who was chairman of the Federal Trade Commission, and William H. Lash III, who was an assistant secretary at the Commerce Department. Those who aren't Republicans are often Libertarians. "I knew things were different here when I saw a particular bumper sticker in the parking lot," says Ronald Rotunda, a professor who arrived from the University of Illinois in 2002. "It said: 'There's no government like no government.'" To be sure, there are Democrats on the faculty, including the guy who runs the school's legal-aid clinic. But rather than sue police departments and defend death-row inmates—the all-too-typical activities of groups like this—Joseph Zengerle's students provide help to members of the military and their families. And if that weren't enough, Mason is the only law school in America that has a chair endowed by the National Rifle Association (or, to be specific, an NRA foundation); Nelson Lund is the Patrick Henry Professor of Constitutional Law and the Second Amendment. It is perhaps not too farfetched to think that GMU's law school will become to the early 21st century what the University of Chicago Law School was to the latter half of the 20th—a high-caliber bastion of conservative (or at least classic-liberal) legal thinking.

A TRANSFORMATIONAL DEAN

The International School of Law was founded by Evangelicals in a church basement in 1972; seven years later, a growing George Mason University absorbed and secularized it. The school was a run-of-the-mill institution until 1986, when Henry Manne arrived on its campus in Arlington, Va. (The law school was then in a converted department-store building.) Manne was already a respected scholar in the "law and economics" movement, which says laws should be evaluated not only for their ability to dispense justice but also for their economic impact. Its founding fathers include Gary Becker and Ronald Coase—both winners of the Nobel prize for economics—as well as Richard Posner, who is now a prominent federal judge. The law-and-economics scholars were initially associated with the University of Chicago, which is where Manne gained his first exposure to this philosophy as a law student. Since the 1960s and 1970s, however, the movement's influence has broadened to the point where every good law school has at least a handful of economic specialists on the faculty.

It would be wrong to say that law and economics is an exclusively conservative or libertarian field. Two years ago one of its pioneers, federal judge Guido Calabresi (a former dean of Yale Law School), compared the election of George W. Bush to the rise of Mussolini and Hitler (he later apologized). Nonetheless, law and economics has allowed many conservative professors to find a safe harbor within legal academia. "Economics is understood to be an objective discipline, particularly as compared to other approaches," says James Piereson, former executive di[illegible] of

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the John M. Olin Foundation, which spent millions of dollars on law-and-economics programs. "To the extent that economic analysis points in the direction of individual choice and the efficiency of markets, it is a powerful tool for those who wish to restrain the growth of government."

Manne's idea was to build a law school that didn't merely employ a couple of economists: He believed the ideal law school would make the study of economics central to its mission. "I thought it would be important and worthwhile to create a community of scholars and students who would share a single-minded focus," says Manne. In the late 1960s, he was asked to plan a new law school for the University of Rochester. When fundraising faltered, Manne moved on to the University of Miami and then to Emory University. While at these two schools, he ran the Law and Economics Center, which sponsored economics seminars for judges and law professors. Despite these activities, Manne never stopped thinking about what he had originally set out to accomplish. "I just never thought I'd have a chance to do it."

George Mason, leaning right

Meanwhile, George Mason University was looking to give its law school an extreme makeover, and so it recruited Manne to dust off his old blueprint and take over as dean. The law-and-economics approach seemed like a good fit because although Mason was not an outstanding university—even now, it is occasionally mocked as "the best community college in northern Virginia"—it could boast of a world-class economics department whose faculty members included James Buchanan (a Nobel winner) and Walter E. Williams (a prominent spokesman for free-market ideas).

Manne began by getting rid of the existing faculty—something that few deans are ever able to do. Professors who didn't have tenure found that their contracts weren't renewed; those who did have tenure were offered financial incentives to leave. They were systematically replaced by law-and-economics scholars, many of them known to Manne because his Law and Economics Center had run seminars for law professors and fellowship programs for students. "This was my secret weapon," says Manne. "These people were undervalued, and hidden away at places like Mercer University in Atlanta or McGill in Montreal. I knew where to find them."

To use a baseball metaphor, Manne was a scout who specialized in the minor leagues. Whereas his competitors were obsessed with signing big-name free agents in hot fields such as feminist legal theory, Manne quietly assembled a team of undervalued unknowns. "If the market discriminates against conservatives, then there should be good opportunities for hiring conservatives," says Polsby. This is exactly the sort of observation one would expect a market-savvy law-and-economics scholar to make. Manne and his successors were able to act on this theory, and though Mason has in recent years expanded its recruitment of non-economics specialists, it has stuck by the core observation that law schools routinely overlook raw talent. Associate professor Craig Lerner, for instance, studied under the political theorist Allan Bloom at the University of Chicago and worked for Kenneth Starr on the Whitewater investigation. Listing either of these experiences on a résumé might easily turn off a hiring committee dominated by liberals, which is to say a hiring committee at just about every other law school. And so Lerner turns out to be exactly the type of candidate that attracts GMU. "Have you read *Moneyball*?" asks Todd Zywicki, another one of Mason's bright young profs, in reference to the best-selling book by Michael Lewis on how the Oakland Athletics franchise assembled playoff-caliber teams on a limited budget. "We're the Oakland A's of the law-school world."

THE RISING STAR

By just about any measure, this strategy has worked. Shortly after Manne took over, applications to the school—a rough barometer of institutional quality—began to rise. Within two years they had more than doubled, and within four they had nearly tripled. There were plenty of other milestones as well. In 1988, federal court of appeals judge Douglas H. Ginsburg—a Reagan nominee to the Supreme Court before he withdrew amid a pot-smoking controversy—began teaching part-time at Mason. Other prominent federal judges also joined the faculty, including Pauline Newman, A. Raymond Randolph, and David Sentelle. The school's emphasis on economics was so strong that it hired several professors who had both economics Ph.D.s and law degrees, as well as a few who possessed only the Ph.D.

One of these non-lawyers was Vernon Smith, who arrived on campus five years ago. "I'd never taught at a law school before, but GMU was a natural fit for me," he says. In 2002, Smith won the Nobel prize in economics. Only one other law school can boast of a Nobel-prize winner, but, amazingly, Mason may have a shot at a second winner: Gordon Tullock, who pioneered the academic concept of rent-seeking (the use of political muscle to gain advantage over competitors or extract wealth from the economy), is on the law-school faculty, and he's often described as one of the most deserving economists never to have had his day in Stockholm. Mason's intellectual edge is sharpened further by the presence in the law-school building of the Institute for Humane Studies and the Mercatus Center, both respected free-market organizations. And the school is on the frontier of a new field called neuroeconomics. "We examine the neurological foundations of economic behavior," says Kevin McCabe, another professor without a law degree. Suffice it to say that GMU is home to the only law school in the country that owns an MRI machine.

At the same time, the GMU law school has climbed the *U.S. News* rankings. Some years have been better than others: In 1999, as a result of poor data collection, there was a temporary but eye-popping dip to 113th. Slowly but surely, however, Mason has shed

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its status as a "safety" school for students who couldn't gain admission elsewhere. In 2001, it broke into the top 50—a group that *U.S. News* describes as "first tier"—and it hasn't looked back. Since 2003, Mason has floated between 38th and 41st. It probably would do even better but for the particular ways *U.S. News* calculates worth: Forty percent of a school's ranking is based on reputation, as determined by judges and lawyers (15 percent) and law professors (25 percent). "If we had Dartmouth or Princeton's name," says Polsby, picking two well-regarded schools that don't have law programs, "we'd be a top-20 school overnight." And by weighing the opinions of law professors so heavily, *U.S. News* gives liberals a lot of influence; Mason almost certainly pays a price for the perception that conservatives aren't exactly an endangered species in its faculty lounge.

It doesn't take an advanced degree to nitpick the *U.S. News* survey—or to imagine an alternative methodology that would benefit Mason. Brian Leiter, a professor at the University of Texas, has created several ranking systems that rely entirely on objective criteria. It might be said, for instance, that a school is only as good as its students. The 75th-percentile LSAT score of Mason's entering class in the fall of 2005 was 166—enough to tie it for 22nd best (with seven other schools). It might also be said that a school is only as good as its professors. To measure this, Leiter has created a "scholarly impact" rating based on faculty per capita citations in scholarly journals and books. On this scale, Mason ties for 23rd (with four other schools). Then there's the Social Science Research Network, which counts the number of times faculty papers are downloaded from the Internet; over the last twelve months, Mason professors rank eleventh.

Mason's location—just a few Metro stops from downtown Washington, D.C.—is both a blessing and a curse. It helps the school attract outstanding faculty members, especially in areas such as intellectual property because the region is rich in practicing patent attorneys who are willing to teach courses on the side. GMU also attracts top-flight speakers, such as Supreme Court justices and attorneys general. The problem is that Mason is a public university in Virginia, and it isn't the first place that state lawmakers look when they think about funding law schools; Richmond is full of alumni from the law schools at the University of Virginia and William and Mary. "We had to fight for every penny we got," says Mark Grady, a UCLA law professor who succeeded Manne as dean in 1997 and served until 2004. The task was made slightly easier by the fact that Republican governors appointed conservatives such as Heritage Foundation president Edwin Feulner, former attorney general Edwin Meese, and former Reagan official Jim Miller to GMU's board. "We wouldn't have made nearly as much progress if they hadn't been there to fight for us," says Grady. Although the squabbling over money won't ever disappear, it may lessen as Mason's relatively young pool of alumni ages and has more money to donate—something most other schools already take for granted.

What's clear is that conservatives are increasingly coming to see Mason's law school as an important ally. Manne's Law and Economics Center continues to hold its seminars for judges, under the leadership of Prof. F. H. Buckley—and its enduring credibility is a major reason that Mason scores as well as it does among the judges polled by *U.S. News*. Moreover, GMU's faculty was instrumental in filing an amicus brief with the Supreme Court in defense of the Solomon amendment, a law that prohibits schools accepting public funding from banning military recruiters from campus. "Does this make us conservative?" asks Polsby, who organized the brief. "I don't think so. I think it exposes other schools that want to ban the military as truly radical."

Those who want to celebrate diversity ought to cheer for Mason, because it provides a much-needed dose of true diversity—the intellectual type—to the world of legal education. "I've always maintained that it's more important to have this diversity between law schools rather than within them," says Manne, who has watched the progress of GMU with pride from his semi-retirement in Florida. Todd Zywicki looks at it another way. "We have lots of intellectual diversity here," he says. "There are conservatives and there are libertarians." And things are looking up for all of them. **NR**

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- (T) **A. Szent-Gyorgyi:** *Misplaced Ideas about Democracy* (25 min.)
- (U) **Jacob Bronowski:** *The Ascent of Man* (55 min.)
- (V) **Otto Bettman:** *The Good Old Days: They Were Terrible* (55 min.)
- (W) **Groucho Marx:** *Fast Mind, Faster Mouth* (60 min.)
- (X) **Ludwig von Mises:** *Why Socialism Always Fails* (86 min.)
- (Y) **Barry Goldwater:** *The Conscience of a Conservative* (58 min.)
- (Z) **Arnold Toynbee:** *The Ancient Mediterranean View of Man* (24 min.)

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■ THE CAPITAL

The Prosecutor's Brief

What does Patrick Fitzgerald know? When did he learn it? And other questions

BYRON YORK

At various times during the last two years, official Washington has been obsessed with the CIA leak investigation—while at the same time knowing almost nothing about it. Who leaked CIA employee Valerie Wilson's name to columnist Robert Novak? Was special prosecutor Patrick Fitzgerald going in this direction—or that direction? What about Karl Rove? Nobody really knew the answers, at least nobody outside Fitzgerald's office.

But that changed in late January, when the court handling the case released a number of motions and letters between Fitzgerald and the legal team representing I. Lewis Libby, the former vice-presidential chief of staff who is charged with perjury, obstruction of justice, and making false statements. The documents that have been made public—and there will be more in the days to come—give us a glimpse inside the case that we've been hearing so much uninformed speculation about for so long. And they reveal a lot about not only the investigation, but the investigator too.

The documents outline an ongoing fight between Fitzgerald and the Libby defense over how much information Fitzgerald should be forced to give Libby before trial (now scheduled for early next year). That's not surprising. Libby's lawyers are using the time-honored defense tactic of asking for the kitchen sink; they appear to want virtually everything Fitzgerald has uncovered in the course of his investigation. For example, they have asked for copies of the highly classified Presidential Daily Brief for nearly a year spanning 2003 and 2004—material that Fitzgerald has said he doesn't even have. On an issue like that, a judge is unlikely to rule in Libby's favor.

But Libby has made two relatively simple requests that seem to go to the heart of the case—and Fitzgerald is resisting both furiously. The first request is for evidence that Valerie Wilson was an undercover CIA agent at the time she was exposed in Novak's July 14, 2003, column, and the second is for evidence of the damage done by the disclosure of Wilson's name. Fitzgerald has never released any evidence on either question, at least not to the public.

But the new documents, together with his public statements in the past, suggest that the facts of the case might not be entirely clear-cut.

SEEKING DISCLOSURE

Fitzgerald's original assignment from the Justice Department was to investigate "the alleged unauthorized disclosure of a CIA employee's identity." In particular, he began by looking for a possible violation of the Intelligence Identities Protection Act, which makes it illegal for people with access to intelligence to knowingly reveal the name of a covert CIA officer. But just a few months into his investigation, Fitzgerald realized he probably wouldn't be able to prosecute anyone under the Identities Act. In a recently released affidavit from August 2004, Fitzgerald wrote, "To date, we have no direct evidence that Libby knew or believed that [Wilson] was engaged in covert work." In February 2005, a federal judge wrote that charges under the Intelligence Identities Protection Act were "currently off the table for lack of evidence."

Later in the investigation, news accounts reported that Fitzgerald was exploring whether there were any violations of another law, the Espionage Act, which forbids the unauthorized disclosure of classified information, like war plans or troop movements. In the end, Fitzgerald did not charge Libby with that, either, but he did write, in the Libby indictment, that at the time of the Novak column "Valerie Wilson was employed by the CIA and her employment status was classified."

So what had happened to "covert"? At Fitzgerald's October 28, 2005, news conference announcing the indictment, a reporter asked, "Can you say whether or not you know whether Mr. Libby knew that Valerie Wilson's identity was covert and whether or not that was pivotal at all in your inability or your decision not to charge under the Intelligence Identity [sic] Protection Act?" In his answer, Fitzgerald pointedly avoided applying the word "covert" to Wilson. "I am not speaking to whether or not Valerie Wilson was covert," he said, "and anything I say is not intended to say anything beyond this: that she was a CIA officer from January 1st, 2002, forward. I will confirm that her association with the CIA was classified at that time through July 2003." Just to make sure, Fitzgerald added that "we have not made any allegation that Mr. Libby knowingly, intentionally outed a covert agent."

So Wilson was "classified" but not "covert." Fitzgerald was clearly making a distinction, but his semantics confused even some experts in the field. "In my experience, for someone's position at the CIA to be classified, they were undercover," says Jeffrey Smith, who served as general counsel at the CIA in the mid-1990s. "I had some attorneys who worked for me who were undercover. . . . I knew who was, and who wasn't, and it's a pretty bright line between people who are undercover and those who are not."

Nevertheless, since Fitzgerald had chosen to describe Wilson as "classified," Libby's defense team asked him to provide "all documents, regardless of when created, relating to whether Valerie Wilson's status as a CIA employee, or any aspect of that status, was classified" in the time period before the Novak column was published.

Fitzgerald refused. "We have neither sought, much less obtained, 'all documents, regardless of when created, relating to whether Valerie Wilson's status as a CIA employee, or any aspect of that status, was classified' at any time" during that period, he wrote. Whether that meant that Fitzgerald had *some* documents, but not *all* documents, is not clear. In any event, Fitzgerald argued that he was not required to provide any documents at all on the subject, because Libby was not charged with revealing a

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secret agent's identity but rather with lying to the grand jury.

Libby's defense tried again. Fitzgerald again refused. But this time, in court papers filed in mid-February, he tried another tack. He said nothing about any documents that would show Wilson was classified and argued instead that he did not have any documents to show that Wilson's status *wasn't* classified. "The defendant overlooks the simple fact that Ms. Wilson's employment status was either classified or it was not," Fitzgerald wrote. "If the government had any documents stating that Ms. Wilson's employment status was not classified during the relevant time—and we do not—we would produce them."

The statement left some observers slack-jawed. Nothing to show that Wilson was not classified? What does that prove? Couldn't the same be said of virtually anyone in the United States? Fitzgerald, praised by his admirers as a straight-shooter, seemed to be trying to confuse the issue rather than to clarify it.

And one more thing. Fitzgerald seemed irritated that Libby was even asking for such information. "Mr. Libby predicates his request on a single reference in the indictment to the fact that Ms. Wilson's employment status was classified during the relevant time," Fitzgerald wrote. "The defense is not entitled to every document mentioning a fact merely because that fact is mentioned in the indictment."

On the question of damage, Libby's team asked Fitzgerald to provide "any assessment done of the damage (if any) caused by the disclosure of Valerie Wilson's status as a CIA employee." Fitzgerald's answer was that "a formal assessment has not been done of the damage caused by the disclosure of Valerie Wilson's status as a CIA employee, and thus we possess no such document." Given Fitzgerald's occasional slipperiness, that led to the question of whether any *informal* assessment had been done. No matter; if there were such an assessment, Fitzgerald said, he would not be required to give it to Libby because Libby is charged with lying, not with revealing Wilson's identity.

Again, Libby pressed, and again Fitzgerald refused. In a second court filing, he said he had never claimed that there had been any damage done by Wilson's exposure, only that there *could* have been damage done.

"The *actual*—as opposed to *potential*—damage caused by the outing of Ms. Wilson is not alleged in the indictment, nor was it a focus of the grand jury investigation," Fitzgerald wrote. "The indictment alleges only that the outing of CIA employees *could* cause damage. The actual damage resulting from uncharged conduct is irrelevant to whether the defendant lied about his conversations with reporters."

But in his news conference announcing Libby's indictment, Fitzgerald had made clear that he believed the disclosure of Wilson's identity had done grievous damage. "Why is this a leak investigation that doesn't result in a charge?" he asked rhetorically before going into a famously convoluted sports metaphor. "If you saw a baseball game and you saw a pitcher wind up and throw a fastball and hit a batter right smack in the head, and it really, really hurt them, you'd want to know why the pitcher did that." The leak case, Fitzgerald continued, is "a lot more serious than baseball. And the damage wasn't to one person. It wasn't just Valerie Wilson. It was done to all of us." The message was unambiguous: Whoever leaked the information had "really, really hurt" Wilson—and all Americans. Yet in his court filings, Fitzgerald backed away from his dramatic claim.

Pat Fitzgerald, on Scooter's tail

GAMMA PRESSE

MUDDIED WATERS

What does it all mean? Well, first of all, it means that after more than two years of investigation, the public has never been told whether or not Valerie Wilson was a covert, or classified, or whatever, CIA agent at the time the Novak column was published. And in the end, it is possible that a judge will rule that Fitzgerald is on solid legal ground in keeping that secret. But at some point, Fitzgerald's refusal to release even the most basic information about the case will cast a cloud over his entire investigation. After all, didn't it begin with the allegation that someone in the Bush administration illegally exposed Mrs. Wilson in an attempt to discredit her husband, Bush critic Joseph Wilson? Certainly Fitzgerald's first task, upon receiving his assignment, was to assure himself that there was good reason to believe a crime had taken place.

Yet on that key issue, Fitzgerald appears to be trying to muddy the waters rather than clear things up. Which leads to a bigger question: If he was not prepared to say that there was even the possibility that an underlying crime was committed, why did Fitzgerald put the public through all this? His investigation has been long and costly, and it has set a terrible precedent for forcing reporters to testify under oath about their sources. Surely Fitzgerald should be able to say that, at the very least, he began with evidence that an underlying crime had been committed.

But he doesn't have to say anything at all, because he is in effect conducting a new type of investigation. He has all the power wielded by prosecutors working under the now-expired independent-counsel law, but he does not have that law's requirement that he report to the public on his findings. So even though his investigation has attracted the kind of intense public interest that probes under the independent-counsel law once attracted, Fitzgerald can go forward knowing he will never have to show whether his investigation was worthwhile to begin with. And when the attorneys for the man charged in the case ask for such evidence, Fitzgerald can tell them to get lost.

So the question remains. Has this been worth it? Right now, there are simply no publicly known answers. And Patrick Fitzgerald seems determined to keep things that way. **NR**

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■ AT WAR II

Tolerance, If Not Respect

Living with the beliefs of others—even Danish cartoonists

THEODORE DALRYMPLE

THE deliberate dissemination of the now-infamous Danish cartoons in the Muslim world by a small group of hypocritical and treacherous Muslims living in Denmark has done the cause of religious tolerance throughout the world a great deal of harm. It has turned the willing suspension of the expression of religious and philosophical disagreement for the sake of harmonious social relations into an act of cowardice rather than of good manners. It has made even more difficult and unlikely the transformation of Islam into a private religious confession among many others that is the precondition of the successful integration of Muslims into Western societies. It has made an apocalyptic confrontation between whole regions of the globe more likely.

This is regrettable in the highest degree, of course. Whenever I write of Islam in the Western world, I have in the back of my mind the distress that my views, which under normal circumstances I would not express, might cause the Muslims whom I know and esteem. But I recall E. M. Forster's famous (or infamous) remark that he hoped that, if it ever came to a choice, he would have the courage to betray his country rather than his friends, a view that if generalized might easily have led to the establishment of total tyranny.

Of course, giving offense to others is justified only where something important, such as liberty of thought and expression, is at stake. The trivial, naughty-boy type of transgression that has long been the characteristic of much of the art world is reprehensible. Outspokenness, like originality, is not a virtue in itself: Its value depends on its subject matter and the circumstances in which it is exercised.

I learned early in life that tolerance and respect are quite different things. One does not have to respect a man's opinions to respect his right to have them: Indeed, tolerance would not be necessary if one respected everybody's views. It hardly takes tolerance to tolerate what one respects.

As a young child, I had a friend who lived nearby and from whom I was for several years virtually inseparable. His mother was a Christian Scientist, while my father, a secularized Jew and Communist, was militantly atheist. In the privacy of our home, he would deride the religious views of my friend's mother, for which he felt complete contempt.

This grew all the stronger when my friend's mother contracted breast cancer and she refused to receive any medical treatment for it. My father regarded having treatment as the only rational thing to do in the circumstances. I remember the room in which she died, darkened and hushed to the point of gloom by red-plush curtains. My father thought her death unnecessary and ridiculous, the direct consequence of her religious views.

But I understood that none of his derision was to be repeated in front of my friend's mother: that there was a difference between what one thought and what one said. Tolerance did not require intellectual respect, it required tact. And in any case it very slowly dawned on me—not really until my adulthood—that my father was not wholly in the right. Reflection can alter perspective.

The operation performed in those days was radical mastectomy, which was horribly mutilating and quite possibly ineffective. At the time, there was no unequivocal proof that surgery prolonged life; and by a strange irony my father was to be offered surgery at the end of his own life, when he himself suffered from cancer, that would have prolonged his survival by a few months, but which he refused. By a different route, he had come to the same conclusion as the woman he had derided many years before.

There was another advantage to the views that my friend's mother held. When my friend was six, very shortly before the introduction of the vaccine, he contracted polio, which paralyzed him permanently from the waist down. Because of the religious opinions that my father thought ridiculous, his mother refused in any way to mollycoddle him, with the result that he grew up with a sturdy lack of the self-pity that it would have been only too easy to instill in him. He went on to have a normal career, even becoming a foreign correspondent.

AN OUTSIDER AMONG US

At school, I was a militant atheist, at least whenever the subject of the existence of God, considered in the abstract, came up. But in fact religious tolerance was so taken for granted that there was absolutely no conflict between children of a very wide spectrum of religions and sects, and friendships existed without any religious barriers except in one case.

He belonged to the Plymouth Brethren, a small and puritanical sect. He was clever but ugly, and would have been a good athlete if his parents had not considered sports a heathen activity. He was allowed very little or no social contact with us, for we were not among the elect. His skin was pale, like that of a salamander that spends its life in a cave, for he returned home to a house whose curtains were always drawn against the prying, ungodly eyes of the unbelievers. Once the house swallowed him up, he did not reemerge until it was time to go again to school.

We felt no hostility towards him: rather a sense of pity. We found his parents' belief that we were a satanically bad influence on him ridiculous rather than offensive, for we knew that we were more or less normal. We learned just to accept that there were strange ideas and people abroad in the world, and we did not taunt him.

Somewhat later in life, I read a book that made me think again of that boy with whom I might have been friendly had the religious views of his parents not prevented it: *Father and Son* by Edmund

Mr. Dalrymple is a contributing editor of *City Journal*, and the author most recently of *Our Culture, What's Left of It: The Mandarins and the Masses*.

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Gosse. This is one of the most beautiful of all childhood memoirs in English, or perhaps in any language.

Gosse, who became a notable literary figure, was the son of Philip Henry Gosse, a great naturalist and marine biologist who was also a Plymouth Brother, who attempted in 1857 to forestall Darwin's theory of evolution—which was in the air, as it were—by publishing a book called *Omphalos*, in which he explained the presence of the fossil record, created coterminously with the world, as God's test of man's faith. Gosse's books of natural history, illustrated by his own most poignantly beautiful drawings and colored by a new printing technique that he invented himself, can be described only as works of the deepest reverence. It is impossible to read them or to look at them without loving the man.

Father and Son is a bittersweet account of how the younger Gosse grew away from his father, who was both a very tender man and something of a bigot. It is not a tale of enlightenment triumphing over ignorance, but of how gain is rarely accomplished without loss. One ends up thinking that a world in which there were no Plymouth Brethren would be a slightly poorer world than it is. If his religious upbringing did not altogether crush my fellow pupil at school, it would deepen his character.

DIGNIFIED SILENCE

My militant atheism softened over the years, with maturity and experience. Some of the best, most selfless, and kindest people I ever met were Catholic nuns working in Africa, the only people I have ever met, in fact, who genuinely loved humanity. There was an aged Irish nun in Nigeria, for example, who single-handedly prevented a large number of prisoners from starving to death by taking food to them every day. And for a time, I spent an afternoon a week in an African mission hospital run by an old Swiss nun whose unmistakable goodness was like a protective aura. She was not a dogmatist: She knew perfectly well that I gave mothers in heart failure contraceptive injections to prevent a tenth, eleventh, or twelfth pregnancy that might kill them, since it was she who obtained the injections in the first place. We simply passed over the whole subject in dignified silence.

I have gradually learned that views that appear to me intellectually ridiculous are not therefore to be mocked. Not far from where I used to live was a secondhand bookshop, whose owner thought that civilization had reached its acme in the Albania of Enver Hoxha. The owner had come by an entire library of spiritualist works from the estate of a man who, I suspect, never read anything unrelated to spiritualism. The books, mainly published in the '30s, '40s, and early '50s, bore titles such as *Thirty Years Among the Dead* (in two volumes), and it was difficult not to smile as one read them.

I bought a little volume informing readers how to get in contact with their dear departed dogs. It was published in 1940, and contained photographs of semi-translucent animals called forth from the "other side." I bought it as an interesting specimen of man's folly, but quite by chance I happened to read soon afterwards that the first victims of the Second World War in Britain were dogs, 250,000 of whom were put down in the first months of the war because it was feared that there would not be enough food for them. When I considered how passionately fond I am of dogs, a passion that is shared by many who like me find relations with humans not entirely easy, I began to see in this book, published at the time of the slaughter, not something ridiculous or absurd, but something deeply tragic, a manifestation of an intense longing accompanied by a nagging guilt at having consented to the death of a loved creature that had nothing wrong with it. I would never now argue with a spiritualist unless he insisted upon it.

Or unless he insisted that his beliefs could not be publicly examined or even mocked, and threatened anyone who attempted to do so with all kinds of retribution, such as having his throat cut in Amsterdam. Then I would feel obliged to argue with him, to let him know that I was not intimidated by his threats, and thereby to preserve my own freedom.

A mullah in Pakistan has offered a reward of $1 million, with a Toyota thrown in, to anyone who kills the Danish cartoonists. The money, it is reported, is to come from many contributors, including the jewelers of Lahore. If the Muslim world had risen up against this revolting and crudely materialistic specimen of thuggery committed in its name, I would have seen reason for hope, as well as to hold our peace. But to hold our peace when such things go unremarked because they are normal and accepted would be the most abject and cowardly betrayal of the ideal of religious tolerance. **NR**

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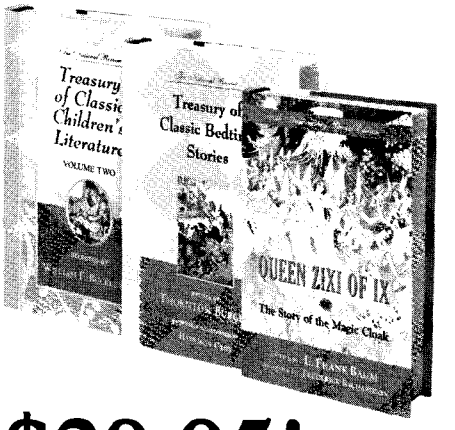
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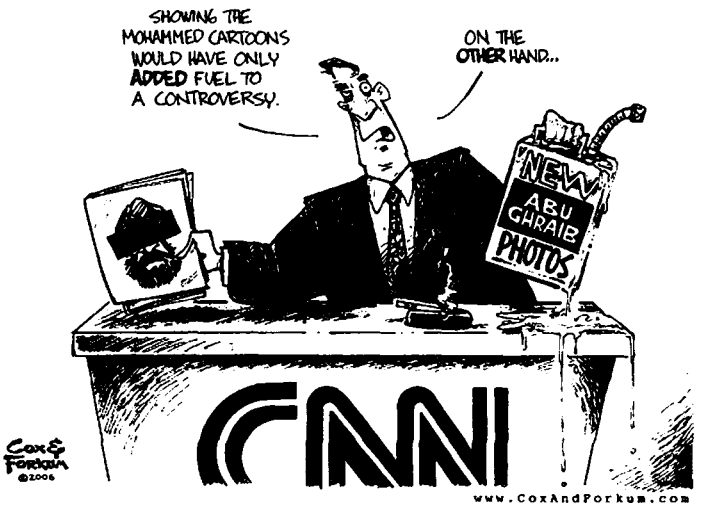
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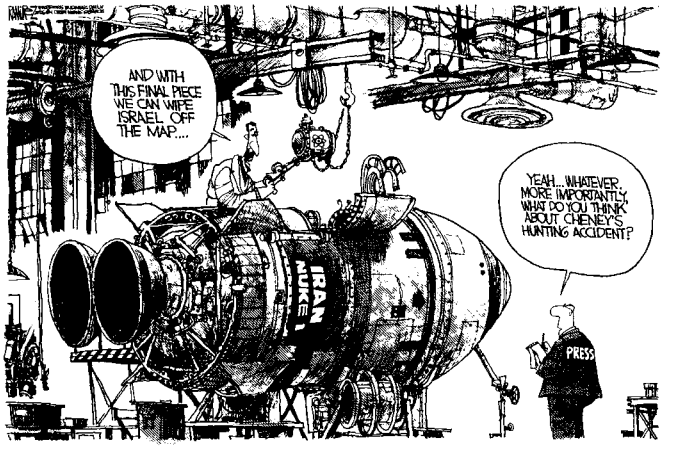
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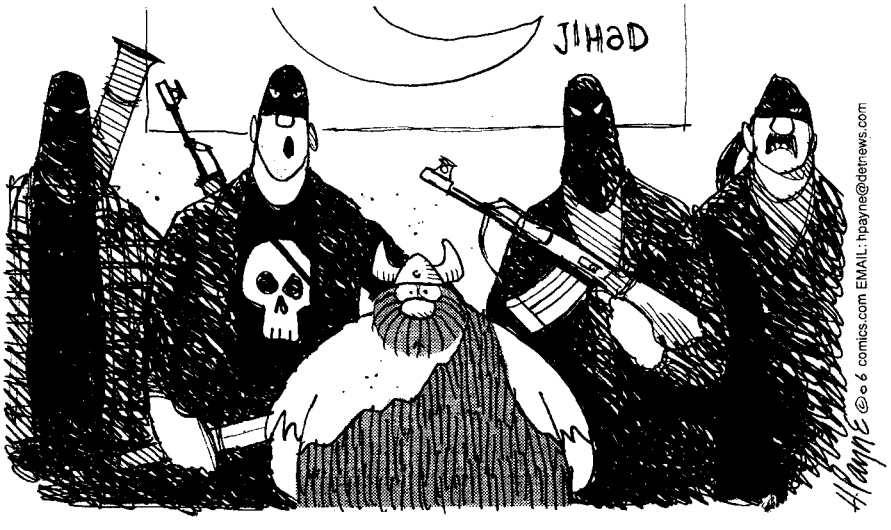

"WITHDRAW THE DANISH CARTOONS OR THE SCANDINAVIAN CARTOON CHARACTER GETS IT!"

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the long view

ROB LONG

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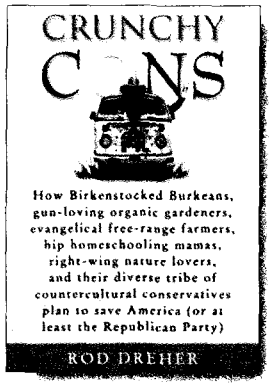
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How Birkenstocked Burkeans, gun-loving organic gardeners, evangelical free-range farmers, hip homeschooling mamas, right-wing nature lovers, and their diverse tribe of countercultural conservatives plan to save America (or at least the Republican Party)
ROD DREHER

Crunchy Cons: How Birkenstocked Burkeans, gun-loving organic gardeners, evangelical free-range farmers, hip homeschooling mamas, right-wing nature lovers, and their diverse tribe of countercultural conservatives plan to save America (or at least the Republican Party), by Rod Dreher (Crown Forum, 245 pp., $24)

BRIAN C. ANDERSON

A couple of years back, when he still worked in New York for National Review, Rod Dreher told his editor that he was off to pick up his family's delivery of fresh fruits and vegetables from a Brooklyn organic-food co-op. "Ewww, that's so lefty," she said, screwing up her face.

That got Dreher, who these days edits and writes for the *Dallas Morning News*, thinking. Organic food *is* a left-wing cliché. But then, he realized, many things he and his wife, Julie, valued and believed in were more common among mass-culture-disdaining earthy-crunchy hippie types than among his conservative colleagues. He and Julie grooved to Cuban *son* and jazz on NPR and loved arty films, for instance; and they distrusted big business and despised tract houses, malls, and other aesthetically unpleasing byproducts of a consumer society. A few days after his exchange, Dreher wrote a witty article, "Birkenstocked Burkeans," for National Review Online, exploring the apparent tensions between his family's way of life and his political allegiances. A massive outpouring of sympathetic e-mails emerged from similarly "crunchy" right-leaning readers.

Crunchy Cons expands and deepens Dreher's earlier essay, making a sustained argument out of his earlier impressions. It is a marvelous book: thoughtful, deeply personal, funny, energetically written—even un-put-downable. It is also unfair to conservatives and in some ways wrong or at least overstated.

What, exactly, is "crunchy conservatism"? It's not a political program, Dreher informs us, but "a sensibility, an attitude, a fundamental stance toward reality, and a pretty good road map to a rich, responsible, fulfilling, charitable, and above all *joyful* life." At its core, that stance is sacramental, Dreher explains. "At the risk of sounding pompously metaphysical, for people who adopt a sacramental way of being, everyday things, occurrences, and exchanges provide an opportunity to encounter ultimate reality—even, if you like, divinity."

Today's "mainstream conservatives," it seems, have lost all connection with a sacramental approach to life. Instead, fetishizing individual choice and the endless acquisition of stuff, they deify the free market. "Consumerism has *become* our religion," Dreher proclaims, "and it is difficult to identify anything within the contemporary Republican Party that stands against the dogma of the Market Supreme." Yes, he acknowledges, the market increases prosperity. But unchecked, it also stokes envy and greed, eviscerates traditions, toxifies culture, and depletes natural resources. How is any of that truly conservative?

Market veneration distorts the lives of mainstream conservatives in other ways, too, Dreher believes. "For many of us," he asserts, education is "about no more than making sure our kids get into the right college, meet the right people, and go on to have a good (read 'lucrative') career." No longer are the True, the Good, and the Beautiful educational ends. Conservatives claim to want God back in the public square, moreover, "but for too many of us, religion is a pious veneer over our own unconscious worship of materialism." Empty, feel-good faith is pervasive on the right.

Crunchy conservatives want nothing to do with this crass, spiritually arid, and ultimately destructive worldview. When it comes to food, for example, crunchy cons reject the "fast, cheap, and out of control" culinary life promoted by the American food industry and, like Dreher himself, go organic. "Food not only nourishes the body, but it, and the rituals surrounding its preparation, nourish something in the human soul," he observes. Sure, it's more expensive. But by buying produce and meat from local farmers, you support traditional ways of life. You also free yourself from moral complicity with factory farming, with its drugged cattle and feces-covered chickens. Plus: The food tastes better.

Crunchy cons are greener in general than your typical conservative, says Dreher. Citing the 2005 U.N. Millennium Ecosystem Assessment, he warns that our "consumer-crazed capitalism" is fast destroying conditions of life for future generations. A properly crunchy view of the environment understands the need to restrain man's volcanic energies. Among the heroes of *Crunchy Cons* are conservationist writer Wendell Berry and former George W. Bush speechwriter and National Review contributor Matthew Scully, whose recent book *Dominion* presents a powerful conservative defense of our duties to the animal kingdom.

Not for crunchy cons the big new homes and patios of exurban America. "Even if the houses are newer and bigger—the fabled McMansion in the newer exurbs—there is a certain sameness, an inhuman quality that makes them seem like houses, but not homes," Dreher maintains. If you're house hunting, he suggests, why not look instead for an

Mr. Anderson is senior editor of *City Journal* and author of *South Park Conservatives: The Revolt against Liberal Media Bias.*

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Arts and Crafts bungalow—inexpensive one-story homes that became standard for suburban families in the early 20th century—in a closer-knit neighborhood? The typical bungalow boasts a porch and large windows, offering homeowners "a greater connection with nature" and with their neighbors, plus a fireplace and nice backyard garden. Cozy, humane, simple but attractive, such structures make it easier to transform your home into a "refuge from the outside world" and respect "the sacramentality of domestic life."

Crunchy cons always put family over prosperity. They think it crucial, if financially possible, to keep a parent home with the kids, even if that means giving up on getting a new plasma TV or SUV. Better still: Toss out the TV and home-school the children, argues Dreher, who, with his wife, does just that for their two young boys. Done properly, home-schooling enables parents to mold their children in the right spiritual and moral beliefs and strengthens the family. Home-schoolers often hear the question: "What about socialization? Won't your children become social outcasts?" "The screamingly obvious response," Dreher retorts, "is, *look at the values predominating in youth culture today; is that really working for us?*"

However you choose to educate your children, keep in mind the Permanent Things, Dreher advises. One doesn't have to be religious to be a crunchy con, but most crunchy cons are religious—and orthodox in their chosen faith. Crunchy cons want to serve God, not the self or the market. "If one's religion is to mean anything, if it is to last, it has to stand outside of time and place," Dreher writes. He movingly recounts his own 1993 conversion to Roman Catholicism, rescuing him from youthful anomie.

What to think of all this? *Crunchy Cons* splendidly conveys the wild variety of American conservatism. In one of his best sentences, Dreher writes: "There are many mansions in the American conservative house, and some of them are old and funky and smell like a pot of organic mustard greens cooking down on the stove." The book abounds in vivid profiles of counter-cultural conservatives. The reader gets to know, and like, lots of interesting people—an evangelical organic-livestock farmer in Texas, a Jewish ex-hippie home-schooling mother in Amherst, a South Dakotan sportsman and conservationist, and many, many more.

But Dreher's novelistic feel for conservative diversity makes his frequent rhetorical use of a market-obsessed, materialistic "mainstream" conservative—he tellingly refers to none by name—frustrating. Deifying the market? I know many pro-market conservatives; I'm one myself. Most of us defend free markets not because we think they're perfect (they're not) or because they shower society with dazzling new toys, but because they allow people—including organic farmers and home-schoolers, it's worth noting—the freedom to build futures for themselves and their families. Far from increasing envy, open economies diminish it. Lower taxes help families get by on one income and thus do what Dreher rightly believes best: keep a parent home with the children, at least while they're young. Dreher notes that the point of life isn't "to become a more satisfied shopper." Few conservatives of any type would say that it is.

Dreher leaves unanswered, too, the institutional question raised by his critique of capitalist society. What's the alternative? Dreher asserts that capitalism ravages the environment (he even favorably references Jimmy Carter's infamous malaise speech). Yet the environmental record of heavily regulated economies isn't better. More important, market-driven technological innovation will forge the clearest path to a greener world. He blames capitalism for our cultural crisis. But contemporary nihilism is imported into the market; its connection with capitalism is an accident of history. Reform the culture, and people will avoid the seductions of consumerism. This shift is already taking place: Social indicators moved in a mostly positive direction over the last decade, even as the economy boomed.

And are "mainstream conservatives" really religious phonies, as Dreher charges? It's unwise to judge other people's relationships to God hastily. Nor should we assume (and I don't think Dreher does, though sometimes he seems to imply it) that only supporters of back-to-nature farming who live in Arts and Crafts homes can adopt a sacramental stance toward reality. One could even be a corporate executive or a TV producer or—horrors—live in one of those slapped-up McMansions and still live one's life in a God-fearing, morally decent, and politically responsible way.

None of this is to say *Crunchy Cons* isn't a bold, interesting book. Dreher, one of the sharpest young thinkers on the right, is grappling with the Big Question of how best to lead a meaningful life. His book's answers may not please everybody, but they will certainly lead many readers to reflect on their own lives and choices, whether it's what you eat or how you feed your soul. **NR**

HARVEST GROUND

You come to middle age just as I leave it,
And looking back at you, I wish you courage.
We are not young or old quite yet,
Nor are we pipe dreamers who think that age
Is just a state of mind. I was near twenty
When you were born, well on my way
To braving fortune for the horn of plenty;
I was a father before your ninth birthday.
Now, Selene, across that harvest ground
Of twenty years, we gaze on one another
With fatal conviction that we have found
At last, each in each, the perfect lover.
Come. Maybe the ground of time will crack
And fold you into my arms. We can't go back.

—DANIEL MARK EPSTEIN

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We Are The World

Cosmopolitanism: Ethics in a World of Strangers, by Kwame Anthony Appiah (Norton, 256 pp., $23.95)

EDWARD FESER

PLURALISM—the coexistence of radically divergent moral, philosophical, cultural, and religious worldviews within the same geographical territory or under the same government—became an inescapable fact of Western life following the Reformation and Enlightenment. Consequently, toleration became the standard policy of modern Western governments, as the most realistic way of forestalling the violent conflicts between doctrines that might otherwise seem inevitable in the face of this diversity. But such grudging recognition of the de facto pluralism of modern social life has come to seem insufficient to many contemporary intellectuals. Pluralism de jure or "in principle" has replaced mere toleration as a moral and political ideal, especially with the onset of globalization and an increasing awareness of the political and economic interdependence of all nations. On this view, it isn't enough to acknowledge that people have to learn to get along despite their deep differences, as if it were a regrettable and contingent fact that the differences exist. Rather, we must come to see such differences as an inevitable part of the human condition, and indeed as salutary. Diversity isn't just something to be tolerated. It is something to be celebrated.

Some of those who take this attitude are cultural relativists, for whom there are no standards of truth or value of universal applicability. In their view, every religion and culture simply has its own distinctive vision of the world, and though these visions are often incompatible, none of them is truer than, or ethically superior to, or in any other way better or worse than any other. Much of what has gone under the name "multiculturalism" seems to fit this pattern. But not everyone who celebrates pluralism is a relativist. An alternative view is to hold that despite our often very deep moral, philosophical, cultural, and religious differences, there are at least some very general standards of rationality and morality that we can all agree on, and by reference to which we might construct a global ethic. This is the approach advocated by philosopher Kwame Anthony Appiah.

Appiah has written a fine book, one that ought to set the standard for the genre. It is completely free of the cant and muddle-headedness that infect so much of the debate over multiculturalism and globalization, and even those who cannot ultimately endorse his argument will find in it much that is of value. Among the many good things in it is a lucid philosophical critique of cultural relativism, and of the positivistic "fact-value distinction" that underlies it. Appiah has no truck with those who think that tolerance of others and their views requires a denial of the existence of objective truths, moral or otherwise.

He also rejects the naïve tendency of some well-meaning liberals to assume that we would all appreciate one another's cultures if only we knew them better, and that people's motives for acting as they do are always at bottom the sort that liberals themselves could endorse. His account of the life and work of Sir Richard Burton, the Victorian writer and adventurer, shows how a man deeply conversant with the ways of far-flung peoples largely shared the negative attitudes about them common among his far less learned and less well-traveled fellow Englishmen. And Appiah suggests that those who would understand the sensibilities of Muslims and other religious believers ought not to delude themselves into supposing that a yearning for "freedom of conscience," or some other abstract liberal principle—rather than a zeal to do what they perceive to be God's will—is what drives them.

Appiah is also keen to distance himself from the utopian one-worldism of thinkers like Peter Singer, who believes that we are just as obligated to donate most of our incomes to relieve the starvation of strangers in distant lands as we are to save a child who is drowning right before our eyes. Appiah skillfully exposes the sophistries inherent in such an argument, and the "icy impartiality" of its view of human relationships. In his view, "a creed that disdains the partialities of kinfolk and community may have a past, but it has no future." And while he is by no means a doctrinaire free-marketer, he argues that the chronic poverty besetting some Third World countries results for the most part from bad government and bad economics at the local level, not Western greed or selfishness.

Appiah's own brand of cosmopolitanism seeks a middle ground between nationalism and relativism on one hand, and the excessively impartial universalism of Singer's philosophy on the other. Its central theses are, first, that notwithstanding our primary obligations to our own families, friends, and countrymen, we have "obligations to others . . . that stretch beyond those to whom we are related by ties of kith and kind, or even the more formal ties of a shared citizenship"; and second, that "there is much to learn from our differences" and that, despite the possibility of agreement on some general principles, we should "neither expect nor desire that every person or society should converge on a single mode of life." Some of the best passages in the book are those in which Appiah draws on his dual heritage as the son of a Ghanaian father and an English mother to illustrate the many fascinating variations that exist between cultures. Still, Appiah's characterization of the "partial cosmopolitanism" he favors is fairly vague, and while he is effective in criticizing the rival versions of cosmopolitanism already mentioned, his attempt to give his own position more positive content is less successful.

This failure is most evident from Appiah's treatment of religion. As he

Mr. Feser's most recent book is *The Philosophy of Mind: A Short Introduction.*

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acknowledges, missionary faiths like Christianity and Islam share the views he puts forward as definitive of his version of cosmopolitanism. They promote a concern for all peoples regardless of race or culture, emphasizing that every human being was created by the same God. And while they seek the conversion of all men to what each regards as the one true religion, they also acknowledge that the same faith can to a large extent legitimately be practiced in different ways reflecting different cultural circumstances. Hence, for example, while Catholic priests of the Latin rite are expected to be celibate, some Eastern-rite Catholic priests can be married; the liturgical practices of the various Catholic rites—Latin, Byzantine, Armenian, Ethiopian, and many others—can differ in striking ways; and so forth. Yet Appiah and other cosmopolitans would not want to say that a religion that seeks the conversion of the entire human race (even voluntarily) is cosmopolitan. What makes the difference, then?

Appiah's answer is that cosmopolitanism's commitment to pluralism and to fallibilism—"the sense that our knowledge is imperfect, provisional, subject to revision in the face of new evidence"—is what differentiates it from proselytizing religious creeds. But this will not do. On one hand, given the diversity of ways in which even the most conservative religious believers acknowledge their creeds can be practiced, the religions in question recognize and value a kind of pluralism; and each of them is associated with a complex intellectual tradition within which doctrine and practice have developed in light of new knowledge and circumstances. On the other hand, liberal cosmopolitans like Appiah have, no less than religious believers do, core values that they hope to convince all human beings to follow, and that they cannot regard as provisional or negotiable consistent with their commitment to liberal cosmopolitanism.

Appiah criticizes radical Islamists for a fanatical dedication to their own principles that manifests "no curiosity about the ways of the 'disbeliever.'" But of course, the typical liberal cosmopolitan himself has no interest in non-liberal ways, other than as exhibits in a kind of cultural zoo. He never seriously considers the possibility that another, "illiberal" view of things might be true, not just a topic of interesting dinner conversation or a source of novel cuisine and dress. (Even the jihadist likes to eat the infidel's cheeseburgers and wear his blue jeans, after all.) He also never considers that liberal cosmopolitanism might be merely one universalist missionary creed among others—perhaps the right one (or perhaps not), but in no way either more inherently rational or less dogmatically committed to certain key principles.

At the same time, Appiah does at least avoid the glib dismissal of religion that is all too common among other purportedly liberal and cosmopolitan intellectuals, and he takes pains to show how reasonable even the most unusual religious beliefs and practices can seem when one makes an effort to understand them. One hopes that his cohorts will follow his example, and begin to take a more charitable view of traditional religious believers—especially those among their fellow citizens, whom they tend to regard with unwarranted suspicion and condescension. Cosmopolitanism begins at home. **NR**

Gray Eminence

The Man on Whom Nothing Was Lost: The Grand Strategy of Charles Hill, by Molly Worthen (Houghton Mifflin, 368 pp., $25)

SARAH BRAMWELL

THE average reader may know the names of the men for whom Charles Hill has worked—Henry Kissinger, George Shultz, Boutros Boutros-Ghali—but, unless he travels in diplomatic circles or recently graduated from Yale, he probably doesn't know the name of Charles Hill himself. That may soon change, however, if Molly Worthen, former Hill student and now author of a Hill biography, gets her way.

Carlyle contended that "the history of

Sarah Bramwell is a freelance writer living in New York.

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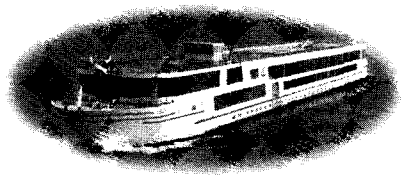

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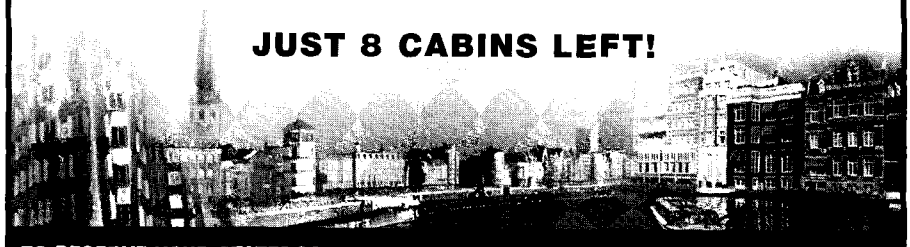

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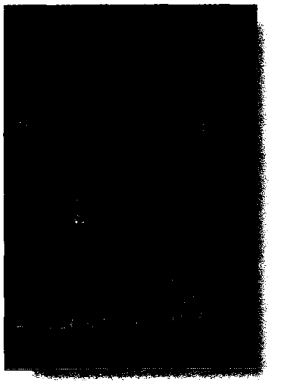
the world is but the biography of great men"—heroes who shape history. But every Great Man relies on many smaller men, who write his speeches, formulate his policies, and generally get things done. And that is what Charles Hill does.

It is hard to convey the magnitude of Hill's reputation at Yale. Students who have never met him show up in his office desperately seeking career advice. They listen as earnestly as ancient Greeks consulting the Delphic Oracle. But Hill's pronouncements—unlike those of the oracle—are hardly riddles; they are clear, firm directives. "[He] knows unswervingly what he stands for," writes Worthen. "He is like dry land to sailors too long at sea." College is different these days—a time for choosing models and authorities, not for rebelling against them. For a generation whose parents did their best to train in relativism, Charles Hill's certitude is bracing—and welcome.

Part of his mythic stature derives from his physical presence: His expression is stony, his bearing quiet. His tone is measured and exudes authority. On those reluctant or unable to scale the Olympian heights, Hill takes no pity. (He once told me, "Sarah, you display a great deal of ignorance.") And then there's the rumor of the secure phone in his office that is a direct line to . . . somewhere important. He is the archetypical éminence grise, Yale's international man of mystery.

I remember once sitting in a philosophy lecture, listening to the anecdote of Socrates at his military encampment at the battle of Delium, walking barefoot on the frozen tundra outside his tent. Glancing to the back of the lecture hall, I saw Hill sitting with some other professors—and couldn't help reflecting that Hill's insouciance toward the elements was uncannily similar to that of Socrates. No matter the season, Hill always appeared in the same thin, grey wool suit; I *never* saw him in a coat. He did make one bow to convention: Occasionally he would drape a thin scarf loosely around his neck. But I was sure he did it to mock Mother Nature, not to mention those of us weak-souled individuals who noticed such inconsequential things as heat and cold.



Worthen's book lays out in great detail the ups and downs of Hill's personal and professional life. History buffs will delight in the long section on the part Hill—and his voluminous notes—played in the Iran-Contra investigation. And Charles Hill buffs will seek out whatever allows them a glimpse behind the mask.

After a quintessential American boyhood in a small town in South Jersey, Hill attended Brown University and law school at the University of Pennsylvania. He realized not long into law school that, as Worthen writes, "there was no greater mistake—if [one] had any yen for the life of the mind at all—than to go to law school." It was a lesson he learned the hard way, and one he imparts to every student who approaches him for career advice.

Partly to avoid the draft, Hill entered the Foreign Service. His assignments brought him to Hong Kong at the height of China's Cultural Revolution, to Saigon just as the Vietnamese were breaking the will of Americans on the home front, and to Tel Aviv following the 1978 Camp David Accords. He also was intimately involved, while working for George Shultz, with negotiations that led to the 1986 U.S.–Soviet Reykjavik summit. In the book, Hill describes Reykjavik as "a total, shocking collapse of the [Soviet] façade, as though a mask had dropped away. To me, that was the end of the Cold War."

Hill also did a tour of duty on Henry Kissinger's speechwriting staff. Worthen's colorful descriptions of the life of Kissinger's speechwriters are amusing and frightening. With the fortitude to survive Kissinger's rage and the mental acuity to meet his high standards, Hill lasted longer than most of his fellow speechwriters. Thereafter, he joined the Bureau of Near Eastern Affairs at the State Department. He was at the Israel desk, an office within a bureau run by Arabists who were contemptuous of their colleagues and eager to marginalize them.

This new assignment began a love affair with Israel that endures to this day. In what is perhaps the most interesting section of the book, Worthen describes Hill's deep kinship with Israel, one both intellectual and emotional. On his first trip to Tel Aviv, Hill was immediately attracted to the tough, hardscrabble character that was evident in every facet of national life. His admiration flowed from a realization that struck close to home: An Israel that still had to fight for its survival had what a decadent America seemed to have lost—discipline, intrepidity, courage, and, above all, manliness. But Hill's high regard for Israel was more than sentimental: "The geo-strategist in him admired Israel as the only good-faith participant in the international state system in a region of volatile autocratic regimes and antistate terrorist organizations. The American Studies student in him, not to mention the South Jersey conservative, admired it as a lonely outpost of Western civilization in a pre-modern, radicalized desert."

Worthen is an able writer, with a good sense for metaphor and a tangible zest for her subject. She strives mightily to convey the sense of her professor to the reader, and in many cases she succeeds.

The author is at her best when she plays Boswell to Hill's Johnson; when she deviates from this formula, the result can be embarrassing. For example, she challenges Hill on present-day Israel's depar-

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ture from the socialism of its Labor Zionist roots: "'From the American point of view, the government should be searching not for greater equality but for greater opportunity and freedom,' Charlie said. It was the familiar conservative motto, the maxim that sounded so noble in theory but had such disturbing consequences for individual lives." What follows is a dressing-down of Hill for not realizing that behind the big ideas are wailing Palestinian mothers on CNN. Worthen wanted, she says, "a flicker of admission that we were talking about individuals, not ideas." Hill's sin is apparently that he thinks too much, and thinking is cruel.

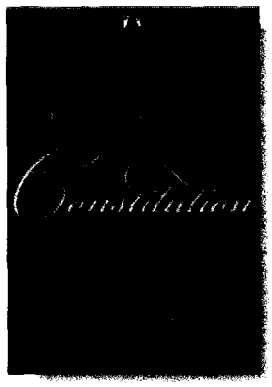
Passages like this highlight the book's central flaw: Molly Worthen, for all her talents, just doesn't get it. Despite being exposed to Hill's shimmering intellect, she continuously reverts to the feeble bromides that Hill has made it his life's work at Yale to combat. Furthermore, Worthen shortchanges Hill's intellectual contributions by merely hinting at his ideas: She offers only superficial treatment of the theory of Grand Strategy for which he is best known.

And then there's the voyeurism, which Worthen admits is embarrassing but in which she indulges nonetheless. It's a strategic error. There are two Professor Hills: There's the man who has his first kiss, fails his first wife, and who—wonder of wonders—has serious personal weaknesses; and then there's Charles Hill, the persona, the myth. Of those two, it's actually the latter who makes an interesting subject for a book.

In her obsession to discover the entire essence of someone who was to her (and many others) larger than life, she may have rendered him unrealistically small; she may have torn, to borrow from Burke, the "well-wrought veil" that Hill has thrown over himself.

Hill refuses to read this book. He gave Worthen absolute access to his private and public notes and the figures, large and small, who have populated his life, but he has never so much as seen a page of the manuscript. Vanity is often the sin of the Great Man: He needs to know what is being said about him, and when it is less than rhapsodic, it stings him more than acid. Hill seems as untouched by vanity as he is by the cold New Haven winter. In the end, perhaps that is what separates him from the Great Men he served. **NR**

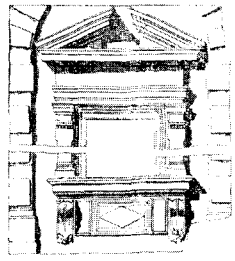
What It Says



The Heritage Guide to the Constitution, edited by Edwin Meese III, Matthew Spalding, and David Forte (Regnery, 475 pp., $35)

EDWARD WHELAN

THE political combat over President Bush's nominations of John Roberts and Samuel Alito to the Supreme Court reflected an underlying battle over the meaning of the Constitution and the power of the judiciary. The major combatants in this jurisprudential battle are originalists, on one hand, and advocates of the "living Constitution," on the other.



In much the same way that Molière's character was delighted to discover that he had been speaking in prose all his life without knowing it, most Americans would be surprised to discover that they are originalists. Even some ardent critics of "originalism" haven't the slightest understanding of what they are criticizing: In a recent debate on the Alito nomination, a lefty law professor arguing against me ridiculously charged that originalists seek a return to the 1787 Constitution, without any of the amendments, "not even the Bill of Rights!" An anti-Alito editorial in the *Boston Globe* hinged on a similar mistake.

Mr. Whelan, a former clerk to Justice Antonin Scalia, is president of the Ethics and Public Policy Center and a regular contributor to National Review Online's Bench Memos blog on judicial nominations.

The term "originalism" merely identifies the traditional, common-sense principle that the meaning of the various provisions of the Constitution—yes, including all those amendments—is to be determined in accordance with the sense they bore at the time they were adopted. This principle, which inheres in the very nature of the Constitution as law, is readily grasped outside the realm of contentious political issues. Virtually everyone will intuitively understand, for example, that the only sensible way to determine what it means to be a "natural born Citizen"—a criterion of eligibility for the presidency—is to look to the sense of that phrase at the time it was adopted.

We originalists understand the Constitution to have created a scheme of representative government in which the vast bulk of decisions are, for better or worse, made by the people through their elected representatives. Judges, under an originalist perspective, can legitimately intervene to override a legislative enactment only when the enactment violates the original meaning of a constitutional provision.

Originalist jurisprudence does not provide an easy answer to every constitutional question, for originalists will differ among themselves on the scope of the rules and principles set forth in the Constitution as well as on subsidiary methodological questions. But originalism provides an objective—and, we originalists maintain, the only legitimate—measure of what the Constitution actually means.

Proponents of the "living Constitution," by contrast, maintain, at bottom, that the Constitution means whatever five justices want it to mean. This plasticity is necessary, they claim, in order for our society to adapt to changing circumstances. But this claim ignores the broader play that originalism gives to the democratic processes to adapt policies to new conditions. And, by entrenching

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current policy preferences in the Constitution, the "living Constitution" approach deprives future generations of the very adaptability that it vaunts.

The "living Constitution" is a deceptive euphemism, not a coherent theory. Though intellectually bankrupt, its approach is politically powerful because it promises—and has delivered—results. For decades now, the Left has won through the courts undeserved victories—on matters like abortion, radical secularism, and obscenity—that it could not possibly have won through the political processes. The more unpopular its agenda (same-sex marriage, anyone?), the more dependent it is on judicial usurpation.

The "living Constitution" was regnant in 1985 when Ed Meese, President Reagan's attorney general, launched an intellectual campaign for the revival of the orthodoxy of originalism. More than two decades later, the battle for originalism continues—and so do Meese's tremendous contributions to that battle. President Bush's appointments of Roberts and Alito, both products of the Reagan Justice Department, promise to bolster the cause of originalism on the Court. And, under the auspices of the Heritage Foundation, Meese, together with Matthew Spalding and David Forte, has compiled a comprehensive explanation of the original meaning of every line of the Constitution.

The Heritage Guide to the Constitution is an invaluable reference work that anyone interested in learning more about the Constitution should have on his bookshelf. It consists primarily of a couple hundred or so brief essays—the vast majority no more than a page or two in length—on every clause or subclause in the Constitution. Each essay attempts to explain the original meaning of the provision that it addresses as well as to set forth the current state of the law on that provision. Each essay also sets forth, where appropriate, cross-references to other relevant provisions in the Constitution, citations to legal materials for further exploration, and a list of significant cases.

More than 100 experts—mostly law professors but also academics from a variety of other fields as well as a smattering of judges and lawyers—have contributed the essays, which are clearly written, concise, and highly informative. They are scholarly and dispassionate, not polemical. The *Heritage Guide* also contains three brief and elegant introductory essays by the editors—one by Meese on basic constitutional principles, one by Spalding on the history of the Constitutional Convention, and one by Forte on originalism.

Reading *The Heritage Guide to the Constitution* can turn into an enjoyable frolic and detour.

Anyone doing serious research on a question of constitutional law will find the *Heritage Guide* an excellent starting point. But the book is also a pleasure to browse, as the casual reader can bounce from topics like the Recess Appointments Clause to Treason to the Rights Retained by the People. The fact that less than one-fourth of the book relates to constitutional amendments may also serve to remind the modern reader, who too often hears about little other than the Bill of Rights and some generalized, nontextual right of privacy, that the real genius of the Constitution, the greatest guarantee of our liberties, lies in its scheme of separated powers.

My one modest complaint about the *Heritage Guide* is that more thought could have been devoted to making it easier to navigate. The Constitution at the front serves as a sort of table of contents, but the sidebar headings don't match the essay headings and don't include any references to page numbers. As a result, finding an essay on a particular provision is more cumbersome than it needs to be. Even this defect, though, has the upside that the search can turn into an enjoyable frolic and detour, as the reader runs across obscure constitutional provisions that pique his interest.

Overall, the *Heritage Guide* is a grand achievement. Let's hope that its originalist explanations have increasing influence as changes in the composition of the Supreme Court offer the prospect of greater conformity between Supreme Court case law and the actual Constitution. **NR**

■ MUSIC ■

Ten Pianists, Briefly

JAY NORDLINGER

As I've argued before, this is not a great age for pianists—but there are great pianists in it, and many good ones. We'll touch on ten pianists, looking in on their recent recordings.

They're recording Mozart concertos like mad. As you know, this is a "Mozart year," the 250th anniversary of the composer's birth. Mozart recordings are plentiful in any year; this year there is a veritable glut.

The French pianist Pierre-Laurent Aimard has put three concertos on a Warner Classics CD. He has an organizing principle, too: These are concertos in B flat. Mozart wrote four in that key, and they're all here, except for No. 18, K. 456. The very last Mozart piano concerto is in B flat: No. 27, K. 595. We tend to invest a lot in this concerto, because it's the last one. We hear in it something especially profound, and sad. But it's important to remember that Mozart didn't *intend* K. 595 to be his last piano concerto—just as he didn't intend the "Jupiter" to be his last symphony.

It just worked out that way, too bad for us.

Aimard's orchestra is the Chamber Orchestra of Europe, which he himself directs (from the keyboard). He has very much absorbed the "period" style, and his playing can be overly punchy. It's as though he's saying, "I'm not going to be dainty in this music! This is no drawing room here." But he is a fine Mozartean.

The Polish pianist Piotr Anderszewski has recorded two concertos on Virgin Classics. Joining him is the Scottish Chamber Orchestra (and, like Aimard, he conducts, too). The concertos are No. 17 in G, K. 453, and the surpassingly great No. 20 in D minor, K. 466—but we'll skip over this disc to consider another Anderszewski release.

This one (also on Virgin Classics) offers music of the pianist's countryman, Karol

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Szymanowski (1882–1937). Not since Artur Rubinstein—a friend of the composer's—has Szymanowski had such a champion as he does in Anderszewski. This young man gives us two works from Szymanowski's Impressionist period: the *Métopes* and the *Masques*. He also plays the Sonata No. 3, which, in a distinctive compositional voice, looks back to earlier forms. (The last movement boasts a fugue.)

Anderszewski is a commanding pianist, never out of control. He has abundant technique, and much musical awareness. He understands the sound world of Szymanowski. Anderszewski can be an icy, severe pianist, rather in the mold of Alexis Weissenberg or Maurizio Pollini. But that's not necessarily a bad thing—and it is actually helpful in the Szymanowski sonata, which can be unwieldy.

A Norwegian pianist, Leif Ove Andsnes, has been recording Mozart, and you will find some on a DVD from EMI Classics. (These days, people want you to see as well as hear!) With the Norwegian Chamber Orchestra, Andsnes performs various movements from Bach and Mozart concertos. (And like his colleagues, he "play-conducts," to use a new phrase.) As always, Andsnes is clear, correct, stringent. He has some of the severity—or call it discipline—of Anderszewski and those others. In music such as the Rondo from Mozart's "Jeunehomme" concerto, he could use a little more lilt and grace. But at least he'll never be precious.

His stringency is especially to be appreciated in his recording of two Rachmaninoff concertos (an EMI CD). Those concertos are No. 1 in F-sharp minor and the famous No. 2 in C minor. Andsnes allows no flabby Romanticism—neither did Rachmaninoff, as a pianist—but he is not unfeeling. The last movement of the First Concerto is a dazzling scherzo-like romp, really irresistible.

Andsnes is accompanied by the Berlin Philharmonic under the excellent conductor Antonio Pappano. (He's English—don't be fooled by the name.) The Berliners don't condescend to Rachmaninoff's scores, but treat them royally.

A pianist endlessly hyped is Lang Lang, the young Chinese phenom, and his latest disc is called *Memory* (Deutsche Grammophon). It features music that Lang Lang particularly associates with his childhood (which was only yesterday). The cover shows the pianist thinking—remembering—very hard.

He plays Mozart's Sonata in C, K. 330, and does so with considerable intelligence and taste. Lang Lang is a pyrotechnician, but he can be quite effective in the Classical repertoire. When he gets to the Romantic repertoire on this disc—e.g., Chopin's B-minor sonata—he is far less effective. He kills the music with interpretive excess, and strangeness. The Largo of the Chopin is downright unlistenable: super-slow, super-weird, not recognizable as Chopin.

A pianist far less hyped is Nicholas Angelich (not to be confused with Martha Argerich). This young man was born in America but raised in France. He is just out with an album of Brahms (Virgin Classics), and its chief attraction is its dominant piece: the Variations on a Theme by Paganini, Op. 35. This piece is almost never heard in recital, perhaps because it's so very difficult. It treats, of course, the famous Paganini A-minor caprice, on which more than a few have composed variations. Brahms's are as enjoyable and compelling as they are fiendish.

Angelich handles them manfully. He has the fingers needed, and the panache, too.

But back to hyped young Chinese pianists. Deutsche Grammophon is pushing one Yundi Li, hard. The latest is a recital CD, recorded in Vienna. It begins with two well-known sonatas of Scarlatti, the first of them (K. 380) played absurdly: with rhythmic and other distortions. The second (K. 13) is decent, and a Mozart sonata—the same C-major work that Lang Lang has recorded—is decent as well. Where Li shines is in the Romantic repertoire, including Schumann's *Carnaval*. He evinces the right spirit, and commits few offenses.

Truly delicious is a recording by Boris Berezovsky, a young Russian lion of the piano. On Warner Classics, he has recorded—side by side—études of Chopin and the versions that Godowsky worked up of them. Leopold Godowsky was a great pianist of the first half of the 20th century, and a gifted transcriber. He took Chopin's études and had a ball with them. Berezovsky has a ball with them, too—with both the Chopin originals and the Godowsky reimaginings. This young man won the Gold Medal at the Tchaikovsky Competition, and deserved it.

Another Tchaikovsky gold medalist is Nikolai Lugansky, born in Moscow (1972). Lugansky is a brainy, exacting pianist. He's the son of two scientists, and I have said before that he plays like it. But that is not to slight his musicality—he has plenty of that.

His latest CD is of Beethoven sonatas (Warner Classics). We get a couple of nicknamed ones—the "Moonlight," the "Appassionata"—and the well-loved Sonata No. 7 in D, Op. 10, No. 3. But we also have an overlooked work: Beethoven's Sonata No. 22 in F, Op. 54. He gives himself only two movements, but Beethoven says, and does, a lot in them.

Once more, Lugansky shows himself a formidable pianist—one of superb musical judgment, to go with gleaming technique. We have need of such a pianist in this age, or any.

Finally, what are Evgeny Kissin and James Levine doing together? The former is a young Russian virtuoso—another of them—and the latter is the mighty American conductor. But Levine is a first-class pianist, when he decides to be. In fact, if it weren't for his distractions—the Metropolitan Opera, the Boston Symphony Orchestra—he could leave many of these others in the dust.

Last May, he and Kissin teamed for a duo-piano recital in Carnegie Hall. It was all Schubert (for Schubert is the king of this repertoire). Now that recital is available on an RCA Red Seal CD. Kissin may be the better pianist—he has more time to practice—but Levine is obviously the better musician. Together, they do very well: Levine can temper Kissin, while Kissin can provide some flash (as in Schubert's *Marche caractéristique* No. 1, which serves as an encore).

They may not make you forget Gold and Fizdale—have you forgotten them already?—but they are a duo to reckon with. They should organize another recital. Then Gold and Fizdale will be well and truly buried. (And the Labèque sisters can kiss it goodbye.) **NR**

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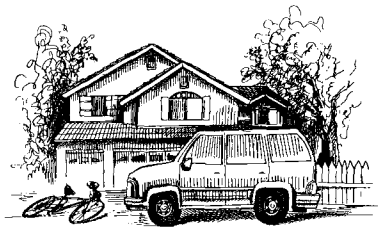
■ THE STRAGGLER ■

A Room of One's Own



JOHN DERBYSHIRE

OUR social commentators anguish over the Demographic Crisis of the West; our economic ones, over the relentless—and, they tell us, irreversible—rise in the price of oil. I must say, both concerns seem misplaced when, walking my dog, I pass the six-bedroom, four-bathroom, three-car-garaged McMansions rising to the sky from every vacant lot around here. These middle-American palaces of Versailles (or, depending on your age, temperament, and mood, Gormenghasts) seem designed for people who have several children and are blithe about the cost of home heating and air conditioning. You could in fact lose half a dozen children in one of these places, not seeing them from one week's end to the next, being left alone to toil away from dawn to dusk at earning enough money to meet the stupendous bills coming in from the fuel-oil supplier and property-tax assessor.

McMansions are, in any case, not for me. I am very happy in my cozy (or—matter of perspective again, I suppose—poky) 80-year-old Colonial. And I am happier now than I was formerly, for I now have a room of my own.

The initial impulse to this development came a year and a half ago, during the long school vacation. One of the many surprises that lie in wait when you set out to establish a family is that children get noisier as they get older. I was not ready for this. When mine were aged five and two, it seemed to me that nothing, nothing in Creation, could be noisier than a five-year-old and a two-year-old acting in concert. Now that they are thirteen and ten, I know better. The kids are also—though this one, I'll allow, I really should have foreseen—much bigger. In the rooms of a one-family 1920s Colonial, they seem very big indeed. A memory from my remotest past comes to mind: an illustration in my childhood copy of *Alice's Adventures in Wonderland*, of Alice, in the White Rabbit's house, having foolishly drunk a potion she found there, grown larger and larger until she has "one arm out of the window, and one foot up the chimney." Someone has been giving my daughter that potion.

My former den was an annex directly off, and open to, the family living-room. As a place for quiet reading and reflection, this became untenable. There was also the matter of books. As any book lover knows, books in the plural lose their solidity of substance and become a gas, filling all available space. My books soon overflowed that little annex. Henry Petroski, in *The Book on the Bookshelf*, recommends a ruthlessly imperialist approach to the problem: "Kitchen and pantry cabinets can be commandeered in the fight to find bookshelf space, and a family's eating habits can be changed. When the china is displaced by paper plates, there is no longer any reason why books cannot be stored in the dishwasher too."

This seemed to me too drastic, and in any case my wife expressed very strong resistance to the idea when I read the passage to her. My books began to silt up the attic, basement, and bedrooms in disorderly piles.

Then came summer vacation 2004. The largeness and noisiness of my children and their visiting friends became unignorable. I very much needed to, as Virginia Woolf says, "escape a little from the common sitting-room"; not, as in her case, to "see human beings not always in their relation to each other but in relation to reality," but just for some peace and quiet. My attic offered the only possible refuge.

At that point in history, the attic was in its primeval state—bare rafters, floorboards only in the center, and a single light bulb fed by a thick pre-WWII cable with crumbling black insulation. I planned; I envisioned; I measured. Month by month, with many pauses and distractions, I built. And last week, with only some minor painting and varnishing left to do, I moved my books in. Here they all are, easy to hand at last, on 200 feet of bright-painted new shelving. I got a desk from Staples and an armchair from IKEA. I got a Venetian blind for the one tiny window, and strip lights, and a waste basket, and a couple of those handy wheeled printer carts that you can pile stuff on and then roll out of the way. I shut the door, and sat to gaze at the fruits of my labor.

Like the universe at large, my room bears the mark of its creator. The numerous triangular spaces where bookshelves meet roof slope are perfect repositories for my many tchotchkes. A trapdoor in the floor gives access via a ladder in our linen closet downstairs, avoiding the need to pass through my son's bedroom. All computer and desk-gadget cables are tucked away under the floorboards, emerging only from a hatch in the floor's precise center. There are two secret compartments, in case I should ever acquire any secrets. What is a personal room without secret compartments? You can't pay people to do this kind of thing for you.

There are minor failures and dissatisfactions to be noted. Looking at my ceiling, I acknowledge that I have much to learn about the taping and spackling of Sheetrock. My choice of color—"citrus orange"—for the entrance door and matching window blind was probably a mistake. (Though I resist the notion, floated by a colleague, that it was motivated by unconscious partiality to the Ulster Unionist cause. I just wanted to brighten a dark place. My house's roof and outside trim, let it be noted, are green. Let it also be noted that as the Home Depot employee—sorry, "associate"—was making up the orange paint for me, I heard her mutter: "*Not* my favorite color . . .")

Now, with the merely physical work all done, there remain only the social issues. My wife has already wondered aloud whether she will ever see me again other than at mealtimes. The kids want to demonstrate the linen-closet trapdoor to their friends. And of course, my room must be shown off to all visitors. Should you drop by the Straggler's house any time soon, be ready with exclamations of awe and admiration. God knows I deserve them. **NR**

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WILLIAM F. BUCKLEY JR.

The Ongoing Reagan

NEW YORK, FEBRUARY 7

We are told that 960 books have been written about Ronald Reagan, which registers that he continues to be an object of consuming historical curiosity, 95 years after he was born. That emanation confounds liberal critics, who assessed him many years ago as a bumpkin with oratorical gifts pandering to American self-esteem.

But Reagan alive prevailed over that stereotype, and Reagan dead is airborne as never before. One recent book, *President Reagan: The Triumph of Imagination*, is by Richard Reeves, a skillful historian who got on to an enormously interesting device in his books on Nixon and Kennedy. He would take you to opening day of their presidential terms and recount what his subject did on that day, which of course was an opening to political, social, and personal adventures.

Reagan ended his eight years snug in the White House, though Reeves judges him to have been less, in 1989, than the Reagan who took office in 1981, which is okay by Reeves as, on the whole, he prefers a diminished Reagan to a Reagan in his prime, who might have succeeded with his right-wing agenda.

Reeves concedes that in foreign policy Reagan "succeeded." He did so by "scrapping containment and détente and making the world believe it when he rejected the old Cold War strategies in favor of his own, which he articulated to his first national security adviser, Richard Allen." Reagan said to Allen, "I know you think I don't have a strategy for dealing with Communism, but I do: We win. They lose."

Lance Morrow, in a stunning collection of essays (*Second Drafts of History*), remembers Reagan in the 1984 reelection campaign, battling Walter Mondale. Their first debate was perilous because Reagan was off his form and Mondale did well. But "the voters came to absorb Ronald Reagan in an entirely different and subjective manner. They internalized him. In later months, Reagan found his way onto a different plane of the American mind, a mythic plane. He became not just a politician, not just a president, but very nearly an American apotheosis. The Gipper as Sun King."

It is this mythogenic quality of Reagan that continues to attract attention. "Partly by an accident of timing, partly by a simple genius of his being, Reagan managed to return to Americans something extremely precious to them: a sense of their own virtue. Reagan—completely American, uncomplicated, forward-looking, honest, self-deprecating—became American innocence in a 73-year-old body."

It was never unanimous, though of course Reagan won in 49 states, losing to Mondale only Mondale's home state of Minnesota. This loss recalled a quip by historian-journalist Raymond Moley, who began his official life as a confidant of the young president Franklin D. Roosevelt. He stayed on the scene for many years after his defection from the New Deal, always proffering his views on political developments, sometimes with acid humor. When the pedestrian Estes Kefauver upset the witty Adlai Stevenson in the 1956 presidential primary in Minnesota, Moley cracked, "Did you ever try to tell a joke in Minneapolis?" That witticism perfectly applied to Reagan vs. Mondale in 1984.

The evolving understanding of Reagan was hugely affected by the publication of his letters. There was not a trace of sham in those thousands of letters, written to motley people who had engaged his interest or his concern, or who had aroused his curiosity. The letters revealed a man whose concern was always for others, and whose intelligence was literate and active. His eyes might have closed while the Pope was speaking to him, but such moments had no historical hangover. No gaucheries on any scale were traceable to lapses of attention or even of memory.

One regrets that Reeves is too resolute in his commitment as a backbencher on the other side to indulge the buoyancy of the Reagan years, honestly and industriously though he surveys them. Morrow, addressing many themes and many people in his book, never goes overboard, but he senses what it is that moved so many people to act so decisively on the one occasion—1984—when Reagan was waiting for a national plebiscite after four years in the White House.

Restraining Democracy

NEW YORK, FEBRUARY 14

Our love affair with democracy is here and there unrequited. Sixty years ago the essayist Albert Jay Nock remarked that if you freeze a frame on a member of the American clerisy you will find his mouth open having uttered the syllables "demo." In the second frame, he'll have closed his mouth on the syllables "cracy." In a desperate attempt retroactively to challenge the Palestinian election of January 25, we are now contending that it was not really pure democracy, because voters were confused by the presence of third-party candidates and partnerships, all of which had the effect of augmenting the Hamas vote, etc. etc. etc.

But the hard fact of the matter is that next Saturday, the new government of the Palestinian Authority (PA) will take charge, and the majority of votes in that legislature will be those of Hamas. This is an event of colossal importance in the sinuous path toward livable arrangements in the Near East. Something has to happen. Either Hamas has to be castrated, or it has to be stopped. By military action? God save us, the U.S. and Israel have come up with a military solution in drag.

The idea is to starve the PA into undoing the results of its election by declining frontier payments from Israel (they yield about $55 million a month). Simultaneously, you suspend all U.S. contributions to the PA, leaving it with a mere $100,000 in monthly cash from supporters abroad. In a matter of weeks, the Palestinians would not be able to pay the salaries of 140,000 employees critical to the maintenance of civil order.

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Where do we go from there?

Well, it just happens that the French and the Russians (they make up two actors in the quartet of which the U.S. and the U.N. are members) hove in over the weekend. The rule had been, since the January election, that Hamas would need to reform its charter, which calls for the elimination of Israel. Something less than that, say the French and the Russians: If Hamas will just agree to enter into conversation with the West, without exactly renouncing its pledge to destroy Israel, that will be enough for a start. What we need is jaw jaw, to avert wah wah, as Churchill counseled in 1954.

The hulking monster in the background of all this is Iran. The mullahs there could finance the basic requirements of a Hamas-dominated PA with one day's pumping of oil. This development truly horrifies the diplomats. The annexation of Hamas's program by the implacably hell-bent Iran would be a long step in the realization of nightmare.

And with only Iraq and Jordan in between, we are in Egypt. And there, lively in the political womb, is a bumptious child bursting to celebrate the birth of democracy in Egypt.

We are dealing with a movement that decades ago was illegalized by the Egyptian government. But the Muslim Brotherhood persisted and in the parliamentary election last fall showed their gathering strength. Accordingly, on the same weekend in which Hamas faced economic ostracism, Mubarak announced a two-year postponement of scheduled local elections. This was a visible sign of fright, that democracy was on the move, and that a religious organization which has engaged in violent activities threatens the plans of Mubarak to hand Egypt over to his son. Observers with minimal liberal sensibilities welcome most moves against Mubarak, but not any move against him, because he has stayed outside the clutches of the Islamic totalists and because his country was the first Mideast power to acknowledge Israeli independence. The prospect of the Muslim Brotherhood overwhelming Egypt and collaborating with the mullahs' Iran reminds us of the risks that democracy can bring.

It is a bitter pill to swallow, to see the U.S. and Israel forthrightly attempting to subvert democracy in Palestine. But the first law in this sermon is that democracy's fruits sometimes need either to be stillborn or else to be resisted.

Killer Cheney

NEW YORK, FEBRUARY 17

THIS commentator rations himself to only one prediction every 15 years. Mine now is that there is going to be a devastating backlash in the months and years ahead in the matter of Cheney and the quail shoot.

Some critics of the administration are arguing as if Iraq were a subsidiary concern. What has been brought forth in the plains of Texas is the venal character of the vice president of the United States.

One columnist for the *New York Times* headlined his column, "Mr. Vice President, It's Time to Go." Resign, "for the sake of the country and"—one inhales the purity of the writer's motives—"for the sake of the Bush administration."

Now that gentleman's concern for the well-being of the Bush administration is on the level of his concern for the quail that Mr. Cheney did or did not kill (this is the only detail of the event unexplored by the historians). Why did the critic want Mr. Cheney to resign? Because "Mr. Cheney is arrogant, defiant and sometimes blatantly vulgar." Oh? Yes—the critic arrived with documentation in hand: "He once told Sen. Patrick Leahy to perform a crude act upon himself." You do not say! Well, that's the kind of thing one would expect from somebody who goes about crippling his friends while ostensibly aiming only at quail.

It is to the credit of the newspaper of record that a few pages before the call for the resignation of Mr. Cheney, a careful reporter, Mr. Ralph Blumenthal, gave a detailed account of what had happened on Saturday at the Armstrong ranch.

Who all was there? Well, Pamela Pitzer Willeford, ambassador to Switzerland and Liechtenstein, and her husband, the hostess, Katharine Armstrong, and her sister and her husband. Also Nancy Negley, an art philanthropist, Ben Love, a West Texas rancher, and the victim, Harry Whittington, a 78-year-old lawyer, and his wife. Also several outriders, whose duty was to flush the birds. Also a dozen American pointers and Labrador retrievers. Close to 5:30 P.M., the two shooting groups had bagged about 40 quail each, and were working now on the last covey.

About 100 yards away from the jeep carrying the hostess and her sister, "Mr. Cheney, Mr. Whittington, and Ms. Willeford were walking in a line in a low spot on gently sloping ground. After Mr. Whittington bagged his birds he dropped out of sight, along with one of Ms. Armstrong's bird dogs." (Her name—not originally disclosed to the press—is "Gertie.") "Then, suddenly, he was in a dip about 30 yards away against the sun just as Mr. Cheney fired a blast from his Italian-made 28-gauge Perazzi shotgun." That is when Mr. Whittington "caught the spray of birdshot on the right side of his face, neck, and chest."

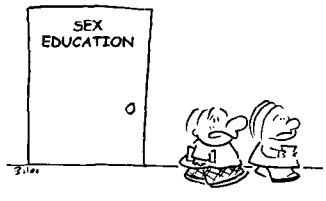
Mr. Cheney is recorded as having said, "Harry, I had no idea you were there!" The exclamation point is mine, and will offend only those who refuse to believe that Mr. Cheney was startled at finding that his friend stood in a line between him, Gertie, and the setting sun.

We all know what then happened. But the only thing that then happened that seemed to catch national attention was that the party drove not to the nearest newspaper, but to the hospital.

An account was filed with a local newspaper and the doleful news came from the hospital that one pellet had entered the heart of the victim. There is little doubt but that he will survive. Mr. Cheney has said that what blame there is, is Mr. Cheney's. That detail, by the way, is also not fully explored—conceivably the victim had failed to identify his position when moving forward from the firing line established by hunters moving in parallel.

We can't celebrate a backlash until Mr. W. is back home and well. But here is one observer who predicts that Mr. W. will chuckle over the misadventure, unless, after years of friendship with Mr. Cheney, he only now discovers that he is arrogant, defiant, and that he uses vulgar language.

—UNIVERSAL PRESS SYNDICATE



"My Dad's stork theory seems a lot more sanitary."

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happy warrior

MARK STEYN

Jihad, Jihad, Everywhere

We may have to change the name of this column to "Unhappy Warrior," or "Reluctant Conscript," or "Impending Deserter." The last few weeks have made me consider not the possibility that we might lose this thing (which I've always weighed) but that we might lose it more easily than even the gloomiest of us thought. The "Cartoon Jihad" might have been explicitly devised as a scientific experiment to provoke the greatest degree of infidel capitulation for the most footling pretext.

By "we might lose," I mean "the good guys"—and I define that term expansively. There are plenty of good guys in Australia and Poland and Iraq and even Pakistan. And I'm a little unnerved at the number of readers who seem to think the rest of the world can go hang but America will endure as a lonely candle of liberty in the new dark ages. Think that one through: a totalitarian China, a crumbling Russia, an insane Middle East, a disease-ridden Africa, a civil-war-torn Eurabia—and a country that can't even enforce its borders against two relatively benign states will somehow be able to hold the entire planet at bay? Dream on, "realists."

Still, in the wake of the cartoon crisis and the Hamas victory, several correspondents have argued to me that the Bush Doctrine is a crock: How can liberty save the Muslim world when Muslims are jeopardizing liberty in Europe?

Well, they're not contradictory positions. In the Middle East, it may well be that, as the gnarled old Yankees tell tourists, you can't get there from here. But I'd argue there's a sporting chance of being able to get at least partway there from the here and now of the present Muslim world.

By contrast, Europe is getting there from here in the one-way express lane, and it's not going to like where it ends up.

About six months after 9/11, I went on a grand tour of the Continent's Muslim ghettoes, and then flew on to the Middle East. The Muslims I met in Europe were, almost to a man, more alienated and angrier than the ones back in Araby. Don't take my word for it. It was a Hamburg cell that pulled off 9/11, a British subject who was the shoebomber, a Montreal welfare recipient who tried to blow up LAX, a London School of Economics man who had Daniel Pearl executed . . . At one level, that's just plain operational sense: Al-Qaeda obviously has no shortage of crazy Waziristani goatherds it can recruit but they tend to stand out at the check-in counter at United. A Western-educated engineering graduate doesn't.

But that in itself doesn't explain why quite so many European Muslims are hot for jihad. In the Muslim ghettoes of the Continent, East meets West in a particularly malign form that fuses the worst aspects of both. You can see it in the tattooed pierced Pakistani skinhead gangs swaggering through the streets of northern England: Into rap and drugs and all the rest, they're observant Muslims mainly in their attitude toward women and infidels. The college-educated jihadists who could be pulling down six-figure salaries instead of Manhattan skyscrapers are in some sense merely the middle-class variation on this phenomenon.

We must engage, if only because splendid isolation is rarely seen as such by others.

Europe's ability to solve the problem is hampered by the fact that its professed "multiculturalism" is in reality mostly bicultural. You have hitherto homogeneous Scandinavian societies whose cities have become 40 percent Muslim in the space of a generation. Imagine colonial New England when it was still the *Mayflower* crowd and one day they woke up and noticed that all the Aldens and Allertons, Billingtons and Bradfords were in their 50s and 60s and all the young guys were named Ahmed and Mohammed. That's what's happened in Rotterdam and Malmö.

Whatever the virtues of multiculturalism, bicultural societies are the most unstable in the world, whether relatively benignly so (Fiji) or genocidally (Rwanda). The problem Europe faces is that Bosnia's demographic profile is now the model for the entire continent. All those Bush Doctrine naysayers who argue that Iraq is an artificial entity that can never be a functioning state ought to take a look at the Netherlands. You think Kurds and Arabs, Sunnis and Shiites are incompatible? What do you call a jurisdiction split between post-Christian secular gay potheads and anti-whoring anti-sodomite Islamists? If Kurdistan's an awkward fit in Iraq, how well does Pornostan fit in the Islamic Republic of Holland? Europe's problems don't nullify the Bush Doctrine so much as present a more urgent case for it. Indeed, given that the Palestinian Authority is funding-wise the largest EU welfare slum, even the Hamas victory can be seen as more typical of Euro-Muslim alienation than Arab psychoses.

The hyperpower has to be engaged with the world, if only because splendid isolation is rarely seen as such by others. What was the biggest single factor in the radicalization of young British Muslims? The then-Conservative government's conclusion in the 1990s that it had no dog in the Balkans junkyard. As Osama bin Laden put it, "The British are responsible for destroying the Caliphate system. They are the ones who created the Palestinian problem. They are the ones who created the Kashmiri problem. They are the ones who put the arms embargo on the Muslims of Bosnia so that 2 million Muslims were killed."

How'd a list of imperial interventions wind up with that bit of non-imperial nonintervention? The point is that for great powers detachment from the affairs of the world is not an option: Evenhandedness by Washington will be received as a form of one-handedness by the time its effects are felt in Wackistan or Basketkhazia. In other words, isolation doesn't travel. **NR**

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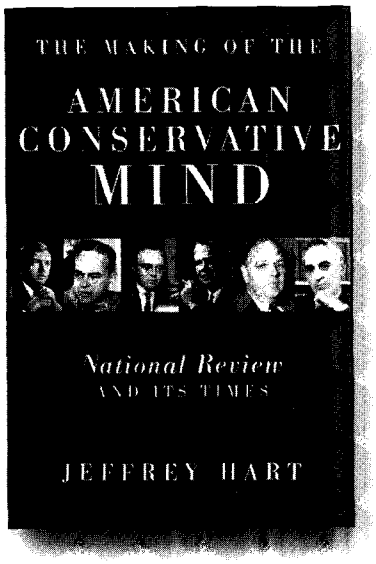

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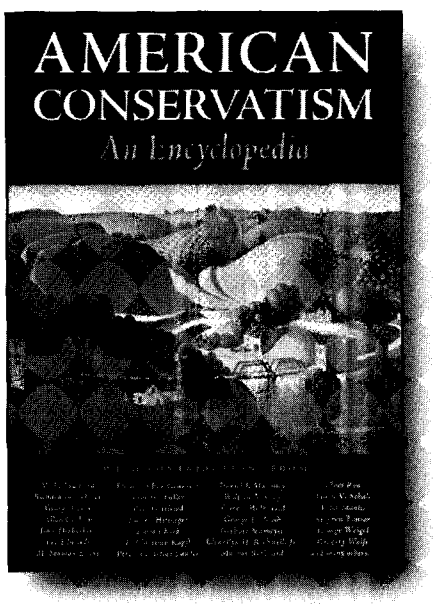

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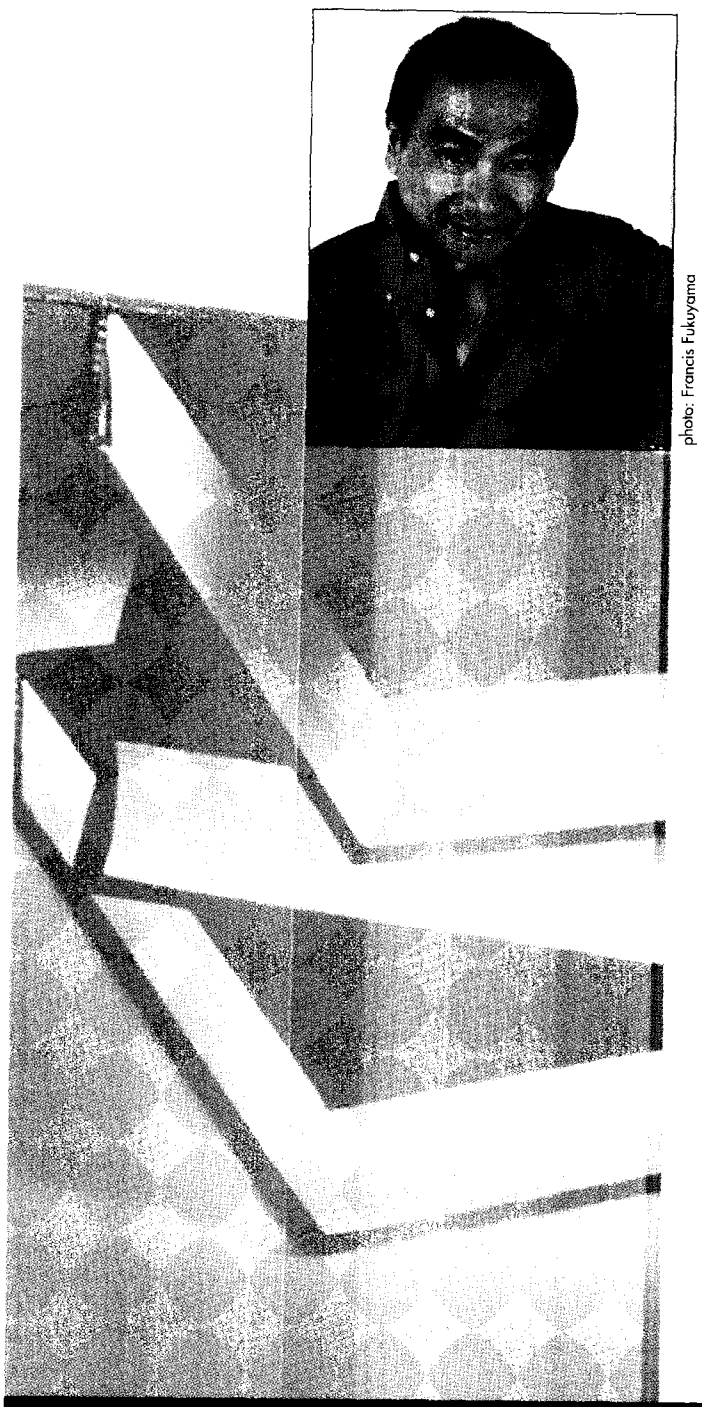

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